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THE
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IN ITS
RELATIONS WITH THE CHURCH.

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STATE
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BY
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*Διότι οἱ παλαιοὶ δοκοῦσί μοι τὰς περὶ θιῶν ἰστορίας, καὶ τὰς περὶ τῶν ἐν ἡδου διαλήψεις
οὐκ εἰκῇ καὶ ὥς ἔτυχεν εἰς τὰ πλήθη παρασκευαγῶν· πολὺ δὲ μᾶλλον οἱ νῦν εἰκῇ καὶ
ἀλόγως ἐκβάλλουσιν αὐτά.—Polyb. VI. 56.*

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THE STATE

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CHAPTER VI.

THE SUBSISTING CONNECTION BETWEEN THE STATE OF THE UNITED KINGDOM, AND THE CHURCH OF ENGLAND AND IRELAND.

SECTION I.

1. THUS far I have pursued the path of abstract reasoning, and endeavoured to examine some of the moral laws of the connection between the Church and the State, with the aid of occasional illustrations from events. I now come to follow, with more of detail, and with an attempt at method, the line of historical development; and by exhibiting, at least in a rude sketch, the actual course of the principle of national religion, since it has approached to its critical periods, in our own country, to pave that way which ought to join the region of theory with the arena of practical life.

2. First, then, let us consider briefly the actual form of the connection between the Church and the State, as it has subsisted, historically, in the English constitution—a connection which, I believe, has continued essentially the same, amidst the shocks and all the secondary changes which the period of twelve cen-

turies and a half since it began to be organised under the Saxon monarchy, could not fail, under the ordinary conditions of human affairs, to produce.

3. The conception, under which the Church holds her place in that connection, represents the combined result of two distinct but harmonious ideas. The first of these is that developed by Coleridge with so much depth and power, the idea of a national clerisy as a part inherent in every well-constituted body politic; a class, that is to say, whose function it shall be, by study and by the communication of its results, to sustain and to propagate the sense of the unseen world, of a living supreme Intelligence, of truth, of beauty either in matter wholly imaginative or mixed, and of all those incorporeal entities which form the required counterpoise to our material necessities, and prevent us from being wholly absorbed in our efforts to supply them. Such a class should itself, of course, be sufficiently supported by a portion of the means which the labour of the community renders available; not in order that its condition may attract men by a relative superiority of temporal inducements, but in order that its members, freed from corroding care and want, may give themselves without reserve to the pursuit of their noble function. This idea represents, it is obvious, the form in which human society has ever striven to satisfy the higher wants, and to develop the higher principles which, according to two of the preceding Chapters,* belong to the constitution of a State

* Ch. ii. and Ch. iii. sect. i.

under the law of nature, independently of the determinate voice of revelation.

4. The second idea which, joined to the former, makes up the old national conception of the Church as allied with the State, is that of the Christian Church, presenting itself to organised man in that state in which, advancing towards civilisation, he is at least prepared to appreciate the rudimental notion of a clerisy; or in which, already civilised, he has felt the want of guarantees for his position, and the difficulty of giving sincerity, purity, reality, to any administration of Divine things, which has no claim whatever to historical authority from Heaven. The Church bore along with her her credentials: they were accepted and believed, and a golden chain was thus fastened to the earthly throne, which connected it with the throne above, not as an estate or part of a civil polity, but as a power representing God; and gave to secular authority a sanction, which was at once ennobling as a voice of pure duty, and palpable as physical force itself. This, doubtless, was the aspect in which the proffered alliance of the Church might present itself to kings: and this promise it fulfilled; but in doing this it did far more, for it placed the national organisation upon that legitimate basis of which man needs not to be ashamed in the eye of God, and truly, though of course, partially, realised the spiritual element in national life. In the recognition of the Church, then, was historically exhibited the homage due to her authentic claim as the

appointed organ of Christianity; a claim which was verified, as has been argued in its proper place, by her peculiar capacities to meet the designs of civil government.*

5. Hence the Bishops and Clergy of England † appear everywhere throughout our history in a twofold collective capacity: first, as a class divinely commissioned to learn and teach an obedience to the Faith made practicable by incorporation into the body of the Redeemer, and to administer the Sacraments and the discipline connected with that incorporation; secondly, as a national estate, invested, like the other national estates, with the legal privileges and powers which were presumed to be suitable to its social place and function. First, they took part in the great Council of the realm, while its composition was mixed between their own order and that of laymen, and its functions undivided; and they sate by the side of civil power upon the bench of justice. Then, as the social organisation began to ramify more and more, the Bishop had his court, and his professional assistant in it, for the law he was set to minister; and the clergy met together under their Bishops in Synods, which represented their catholic character, to determine upon spiritual questions; and in Convocations, which represented their national character, to discharge their

* Ch. iii. part ii.

† Blackstone, b. i. ch. ii., treats of the clergy rather as individuals than as a body, having it for his object to explain the practical bearings of the law when he wrote: they had then ceased to act collectively in convocation. See Hooker, vii. 15, 18; and Wake's Hist. of Convocations.

duties as a body of subjects ; duties done by them as an Estate, and corresponding with the powers and benefits which they enjoyed in that capacity. In the first capacity they held a special jurisdiction ; 1. negative, as the power of withholding sacraments ; 2. active, but without the sanction of force, though binding *in foro conscientiæ*. In the second capacity they held a civil jurisdiction, by which their acts were made to carry civil consequences, as when the members of the Convocation had power to bind the absent clergy to the payment of subsidies* and benevolences under pain of legal recovery ; or, as when imprisonment, whether directly or indirectly, may follow upon the process of excommunication ; while their rulers, the Bishops, sit in Parliament as lords spiritual, together with the lords temporal,† and form the first‡ of the three Estates of the realm. The function of Synods passed gradually over to the Convocation ; and then, together with that of the latter body, it was in great part suspended, in part vested by consent in the spiritual lords, in part even administered by Parliament generally.

6. The most vivid exemplification of the nationality of the Church, and of the character of its connection with the State in England, is found in the noble and

* Blackstone, b. i. ch. vii. (vol. i. p. 280.)

† According to the statement of a hostile speaker in the Long Parliament, the bishops were first called the lords spiritual in a statute of the sixteenth year of Richard II. (Neal's History of the Puritans, Charles I., ch. vi.)

‡ The Church has not been jealous upon the mere point of precedence. In the Litany the prayer for the clergy precedes that for the other estates ; but in the prayer for the Church militant it follows the petition for the councillors of the sovereign, and those in civil authority generally.

august ceremonial of the coronation of the Sovereign. The Archbishop of Canterbury, by his office the first subject in the realm after the royal blood, as well as the metropolitan of the Church, requires from the monarch the pledges of his high function; and demanding of the people whether they will have him for their sovereign, testifies both historically to their ancient concern in his inauguration, and morally to the truth, that the idea of a well-ordered commonwealth, though always reserving for the case of necessity the sanction of force, implies the free and cordial concurrence of all orders of men. Then after solemn worship, and consecrating each act by its peculiar prayer, he delivers over, one by one, the ancient *insignia* of royalty; and when, lastly, he has placed the crown upon the head of its heir as a trust from God, in the name of himself and his attendant brethren of the United Church of England and Ireland as God's instruments, he thus proceeds:—

7. “Receive this Kingly Sword, brought now from the Altar of God, and delivered to You by the hands of us, the Bishops and Servants of God, though unworthy. With this Sword do Justice, stop the growth of Iniquity, protect the holy Church of God, help and defend widows and orphans, restore the things that are gone to decay, maintain the things that are restored, punish and reform what is amiss, and confirm what is in good Order: that, doing these things, You may be glorious in all virtue; and so faithfully serve our Lord Jesus Christ in this life, that

you may reign for ever with Him in the Life which is to come. *Amen.*”

“ Receive this Ring, the ensign of Kingly Dignity, and of defence of the Catholic Faith ; and as You are this day solemnly invested in the Government of this earthly Kingdom, so may you be sealed with that Spirit of Promise which is the earnest of an heavenly Inheritance, and reign with Him who is the blessed and only Potentate, to whom be glory for ever and ever. *Amen.*”

And upon the Inthronisation :—

“ Stand firm, and hold fast, from henceforth, the Seat and State of Royal and Imperial Dignity, which is this day delivered unto You in the Name and by the Authority of Almighty God, and by the Hands of Us, the Bishops and Servants of God, though unworthy ; and as you see us to approach nearer to God’s Altar, so vouchsafe the more graciously to continue to us your Royal Favour and Protection. And the Lord God Almighty, whose Ministers we are, and the Stewards of His Mysteries, establish your Throne in Righteousness, that it may stand fast for evermore, like as the Sun before Him, and as the faithful Witness in Heaven. *Amen.*” *

8. Thus does the chief of the servants of God, standing in the midst of his brethren and of the temple of God, deliver over to God’s vicegerent the symbol of supreme power. Thus does the chief of the first estate

* Order of the Coronation of her Majesty, pp. 34, 37, 46. London, 1838.

of the realm, surrounded by its members, recognise and confirm, on the part of the whole body of the realm, the sovereign function of the head over that realm and over himself. Thus is the double character, the composite idea, of the Church, as catholic and as national, fulfilled in this most majestic office, of which it may with truth be said, that the gorgeous trappings, and even the magnificent pile within which it is performed, are far less imposing than the grandeur of its language, and the profound and affecting truth of its idea.

9. But how is this connection between distinct conceptions, this impersonation of the successors of the apostles in the national estate of religion prolonged, amidst the vicissitudes of time, from generation to generation? Of course the religious ground of the nationality of the Church consists in its claim of spiritual and personal descent from its inspired Founders; but the constitutional ground of its title is in the law; and the actual ground, or, so to speak, the efficient or material cause, of its standing in the law, is to be found in its possession of a preponderance of the social forces, of which law itself is only one. The Church yet dwells, and promises to dwell, in the heart of the people, of the numerical and of the moral nation, and, through the nation, in the heart of the Legislature and of the law.—

10. We have now considered the general idea of the relation of the State to the Church in England. If it be asked in what particulars the national religion is at the present day expressed, or by what signs

it is attested, I answer by the following probably defective enumeration :—

Firstly. According to the foregoing argument, by the coronation service, both in the sense of its terms, and in the performance of its distinctive act by the Archbishop of Canterbury.

Secondly. By the necessity that the sovereign should be a member of the Church, and that his membership should be ascertained in the true, authentic manner, namely, through the act of communion.

Thirdly. By the necessity that the Lord High Chancellor, the keeper of the sovereign's conscience, should likewise be of the Church.

Fourthly. By the presence of the bishops in the House of Lords, on behalf of the national estate for religion.

Fifthly. By the presence of certain of them in the Privy Council, on the same behalf, officially.

Sixthly. By the summoning of the Convocation along with the Parliament under the royal writ: a direct recognition of the principle that the representative body of the Church has national functions.

Seventhly. By the terms in which the Parliament itself is summoned, to deliberate *de arduis rebus ecclesiam et statum concernentibus*: an equally direct recognition of the principle, that the affairs of the Church are matters of strictly national concern.

Eighthly. By the solemn daily worship, with which the proceedings of both the Houses of Parliament are commenced.

Ninthly. By the restrictions which the State has imposed upon the enactment of Church laws, and which it could have no title to impose, except upon the supposition of the nationality of the Church.

Tenthly. By her universally acknowledged subjection to the Civil Legislature, in respect to some special power of regulating her temporalities.

Eleventhly. By the oath required to be taken by those members of Parliament who adhere to the communion of the Church of Rome, whereby they disclaim all intention of using the political powers which they are then summoned to exercise, in such manner as to be injurious to her.

Twelfthly. By the declaration which all holders of office are obliged to make, that they promise to discharge its obligations on the Faith of a Christian. This is, indeed, in itself, only a recognition of abstract Christianity by the State; but it seems to have been intended to operate as a security to the Church.

Thirteenthly. By the Act of Union with Scotland.

Fourteenthly. By the Act of Union with Ireland. (These are selected, because they are, so far as the expression may be allowed, fundamental statutes.)

Fifteenthly. By the authority of the ecclesiastical courts, and the civil consequences carried by their acts.

Sixteenthly. By the possession of the tithes, whether we consider them as (to use the phrase of Mr. Coleridge) the reserved nationality for the purposes of

religion, or as endowments attached to the persons of the clergy.

Seventeenthly. By the right to church-rates for the maintenance of the fabric and conduct of the service. It has been decided by a judgment of the year 1840, (confirmed upon appeal,) that the churchwardens of parishes have no authority to make a legal rate *apart*, upon the refusal of the parishioners, assembled in vestry, to vote it; but it still remains competent to them, if not to make the rate themselves at the vestry-meeting (which has not been determined), at all events to proceed against the parties in the Ecclesiastical Court. Upon their renewed refusal the Court will pronounce them contumacious under the statute 53 Geo. III. c. 127, and will certify them accordingly to the Court of Chancery, from whence will issue the writ *de contumace capiendo* for their apprehension.*

Eighteenthly. By her constitutional claim (frequently recognised during the present century) to grants in aid from Parliament, whenever her pecuniary means may be insufficient for the adequate instruction of the people.

Nineteenthly. By the civil privileges conferred on the church-universities.

Twentiethly. We may take together some further signs of recognition; as the opening of assizes by the judges with attendance at church; the practice of the municipal bodies generally to resort thither, in smaller

* Primary Charge of Archdeacon Wilberforce, pp. 11—16. See also the important judgment in the Braintree case as appealed, delivered by Chief Justice Tindal on the part of himself and seven other judges present. (London, Rivingtons, 1841.)

or greater numbers, but with their official *insignia* ; the appointment of clergymen of the Church as chaplains to the army, navy, gaols, workhouses, and other establishments supported by the State. Other particulars might perhaps be specified.

11. Upon a review of these articles, by which the nationality of the Church is indicated, we are forcibly struck with one great and very important distinction between the constitutional positions of the English and the Scottish establishments.* Although the latter has acquired by legal compact the ecclesiastical occupancy of a portion of the empire, and a just claim to pecuniary support, proportionably to her needs ; yet the whole personal profession of religion in the State remains with the Church of England. The church membership of the sovereign and the solemnities of the coronation, the worship of the State in her ordinary legislative assemblies, the terms of the writ requiring their attendance, the parallel summons of the Convocation, the participation of the bishops in the powers of parliament, all seem to show that the State, so far as it is a moral being, is still, in a special sense, of the communion of the united Church of England and Ireland.

12. There is, however, a more remarkable and peculiar sign of the principle of the nationality of the Church, which indeed has often been selected by our opponents in exemplification, as they think, of their propositions respecting the mischief, the inertness, the injustice of religious establishments. Let it be freely examined ; for, indeed, until it was, of neces-

* Wardlaw's Lectures on Establishments, p. 329.

sity rather than choice, fully examined in Parliament, with few* and noble exceptions no man was forward in its vindication. Upon us of this day has fallen (and we shrink not from it, but welcome it as a high and glorious, though an arduous, duty) the defence of the Reformed Catholic Church in Ireland, as the religious establishment of the country.

The Protestant legislature of the British empire maintains in the possession of the Church property of Ireland the ministers of a creed professed, according to the parliamentary enumeration of 1835, by one-ninth of its population, regarded with partial favour by scarcely another ninth, and disowned by the remaining seven. And not only does this anomaly meet us full in view, but we have also to consider and digest the fact, that the maintenance of this Church for near three centuries in Ireland† has been contemporaneous with a system of partial and abusive government, varying in degree of culpability, but rarely, until of later years when we have been forced to look at the subject and to feel it, to be exempted, in common

* See, for instance, the speech of Lord Stanley, in Hansard's Parliamentary Debates for 1825.

† "The penal code in Ireland, in the beginning of the last century, was justifiable, as a temporary mean of enabling government to take breath and look about them; and if right measures had been systematically pursued in a right spirit, there can be no doubt that all, or the greater part, of Ireland would have become Protestant. Protestantism, under the charter schools, was greatly on the increase in the early part of that century, and the complaints of the Romish priests to that effect are on record; but unfortunately the drenching-horn was itself substituted for the medicine."—Coleridge, Table Talk, March 9, 1833. "This angry code was neglected as an opportunity, and mistaken for a *substitute*; *hinc illæ lacrymæ*."—Church and State, p. 196.

fairness, from the reproach of gross inattention (to say the very least) to the interests of a noble but neglected people.

13. But however formidable, at first sight, these admissions, which I have no desire to narrow or to qualify, may appear, they in no way shake the foregoing arguments. They do not change the nature of truth, and her capability and destiny to benefit mankind. They do not relieve government of its responsibility, if they show that that responsibility was once unfelt and unsatisfied. They place the legislature of this country in the condition, as it were, of one called to do penance for past offences; but duty remains unaltered and imperative, and abates nothing of her demands on our services. It is undoubtedly competent, in a constitutional view, to the government of this country to continue the present disposition of Church property in Ireland. It appears not too much to assume that our imperial legislature has been qualified to take, and has taken in point of fact, a sounder view of religious truth than the majority of the people of Ireland, in their destitute and uninstructed state. We believe, accordingly, that that which we place before them is, whether they know it or not, calculated to be beneficial to them; and that if they know it not now, they will know it when it is presented to them fairly. Shall we, then, purchase their applause at the expense of their substantial, nay, their spiritual interests?

14. It does indeed so happen, that there are also powerful motives on the other side concurring with

that which has been here represented as paramount. In the first instance, we are not called upon to establish a creed, but only to maintain an existing legal settlement, where our constitutional right is undoubted. In the second, political considerations tend strongly to recommend that maintenance. A common form of faith binds the Irish Protestants to ourselves, while they, upon the other hand, are fast linked to Ireland; and thus they supply the most natural bond of connection between the countries. But if England, by overthrowing their Church, should weaken their moral position, they would be no longer able, perhaps no longer willing, to counteract the desires of the majority, tending, under the direction of their leaders (however, by a wise policy, revocable from that fatal course), to what is termed national independence. Pride and fear on the one hand are, therefore, bearing up against more immediate apprehension and difficulty on the other. And with some men these may be the fundamental considerations; but it may be doubted whether such men will not flinch in some stage of the contest, should its aspect at any moment become unfavourable.

15. What if the truth be this; that among many acts of oppression, many of folly, others again of benevolence and justice, partial or not followed out to their consequences, we have done one, especially among these last, which was in itself thoroughly wise and good, had it been viewed as introductory, and not as final? Who can doubt, that in the position occupied

by Elizabeth and her government, it was right on their part to carry into Ireland the restoration of the Christian faith (just as they had carried it through England) with the additional advantage of the almost unanimous acquiescence or concurrence of the actual bishops, and for this purpose to employ the appointed means of religious ministration to the people? But when the initiatory means had been thus adopted, the whole residue of the labour was relinquished. Those wise and salutary measures which brought the people of England from rebelling in favour of the Roman Catholic Church and her superstitions, as they did under Edward VI. and Elizabeth, to their present mood of steady attachment to (we trust) a purified belief, were not extended to Ireland. The names of Bedell and of Boulter, with those of many others honourably known in the science of theology, are bright upon the desolate retrospect; but the attempt has not been made until within a period comparatively very recent, (thank God it has commenced,) to ascertain what results will follow from the general proclamation of scriptural religion throughout Ireland.

16. Upon us, therefore, has devolved the duty of supplying, under more critical circumstances, the want of all those measures which might have been taken at an earlier period, and we have still the power of truth to befriend us, greater than any that can oppose. Is this faith of our national Church deeply rooted alike in our convictions and in our affections? If so, is it one merely separated by some slight shade from the

Roman Church, not simply such as she is in theory, but such as she is in the aggravations of her practice, and of her practice, above all, in Ireland? If the questions at issue be broad and clear, if they be represented everywhere in character and conduct among that people, do we shrink from asserting on their behalf the truth which they have a right to know, nay which they have the desire to know, but which, by the interposition of an unnatural and an illegitimate authority, they are prevented from knowing?

17. Public men feel the duty of securing to the subject the advantages of intellectual cultivation. It has been proposed in this country to render such education compulsory, as is actually done in some others. The expediency of such a measure has been doubted, but those who claim to represent the spirit of the age have hardly questioned the right. Is then the benefit of spiritual truth more ambiguous or less extensive than that of intellectual culture, and can those who are bold enough to propose enforcing the reception of the one, be timid enough to shrink from avowing and approving the offer of the other? We have not yet arrived at the general assertion of such monstrous propositions. And it is a question of spiritual truth in Ireland, arrayed against a Church which we sorrowfully hold to have hidden the light that is in her amidst the darkness of her false traditions, and which adds to the evils of false doctrine those of schism.

18. That, however, of which I speak is a general and comprehensive principle; this striking and pecu-

liar exemplification of it has been cited for the sake of vivid illustration. Because, therefore, the government stands with us in a paternal relation to the people, and is bound in all things to consider not merely their existing tastes, but the capabilities and ways of their improvement; because it has both an intrinsic competency and external means to amend and assist their choice; because to be in accordance with God's word and will it must have a religion, and because to be in accordance with its conscience that religion must be the truth, as held by it under the most solemn and accumulated responsibilities; because this is the only sanctifying and preserving principle of society, as well as to the individual that particular benefit without which all others are worse than valueless; we must disregard the din of political contention, and the pressure of worldly and momentary motives, and in behalf of our regard to man, as well as of our allegiance to God, maintain among ourselves, where happily it still exists, the union between the Church and the State.

SECTION II.

THE ECCLESIASTICAL SUPREMACY OF THE SOVEREIGN.

19. Although it would be going greatly beyond the purpose of these pages and my own capacity, to discuss systematically the terms of compact between the Church and the State, it may be allowable to make an endeavour to meet an objection often urged against our ecclesiastical polity, that the regal supremacy in the Anglican Church is essentially such as to render her the slave of the civil power, and to deprive her of all pretensions to a distinct character as a spiritual institution; and this is the more necessary, because Bishop Warburton* speaks, in large terms, respecting the surrender of her proper supremacy by the Church, and her becoming absolutely dependent on the civil power, as the natural consequences of the alliance; and because the popular notion of the spiritual equality of the claims of all Christian societies, opens an easy way to the inference, that it is human law alone, which can have conferred upon any of them a distinctive character. Sometimes we find this sentiment prevailing even among persons in authority.† Such being the case, it may be reasonably feared, that many have but confused ideas of the limits of the regal function in religion; and that some may indolently deem the head of the State to be the fountain of all

* Alliance, b. ii. ch. iii.

† See, for example, the speech of the Lord President of the Court of Session in Scotland, on the Lethendy Case, 1839. Robertson's Report, p. 213.

authority to bear office in the Church, in the same sense as he is in the State; not distinguishing those powers and attributes which appertain to the bishops and clergy in their distinct capacities as Church ministers and State officers respectively. Others again, like Charles Leslie, in his able argument on "the regale and the pontificate," conceive that the legitimate supremacy of the monarch is purely civil, and such as he might hold with the same propriety if he were not a Christian; a theory less remote, perhaps, than the preceding one from the truth, which, nevertheless, appears to occupy an intermediate position between these two.*

20. And first on the general idea of the supremacy, which, as I shall contend, is neither unchristian nor unreasonable; and on the prominent form which it has taken in this country from the time of Henry VIII.

In the year 1531 the convocation of the clergy gave, though, as regards some part of them, reluctantly, and only under menace of a *premunire* for their unwary recognition of a legatine authority without the royal licence, the title of supreme head of the Church of England to that violent monarch. They appended to it certain words of qualification. The king (besides his other titles) was acknowledged to be, *etiam supremum caput, quantum per Christi legem licet*. But these words, though they restricted the interpretation, established the propriety, of the appellation. And

* These two theories seem to have been combined by the school of Thomasius, in Germany. Stahl, Kirchenverfassung, sect. i. ch. ii.

they were used three years before the jurisdiction of the see of Rome was annulled. Henry acted with exaggeration (though not, I believe, against the sentiment of the people*) upon the title he had gained. And it is obvious that scandal was given by it; indeed, it is known that scruples were raised upon the subject; and consequently, after it had been renounced upon the restoration of the foreign authority under Queen Mary, it was not resumed by Queen Elizabeth,† and the appellation of supreme governor was adopted in its place by the Act 1 Eliz. c. i. § 19. The Elizabethan supremacy became the model conception, and is that with which we have to deal in this place.‡

21. The tenet of the supremacy was not a concession made by the Church in return for the advantages of establishment; it was a tenet asserted by the Crown and the State as against Puritans and Romanists, much more than as against the Church; it was in the nature of an extrinsically controuling, and a civilly effectuating, power; it arose not out of a low idea of Church ordinances, but rather out of a very high and strict idea of public unity, and of the national life. Men conceived, on the one hand, that the State could not possibly be well ordered without the aid of the ordinances of the Church; on the other, that no power whatever must erect itself within the limits of England

* Hallam's Const. Hist., vol. i. ch. ii. p. 143, note.

† See the Notes in Gibson's *Codex Juris Ecclesiastici Anglicani* (vol. i. pp. 28, 51, ed. 1713), on 26 Hen. VIII. c. 1, and on 1 Eliz. c. 1, § 19. Blackstone (i. 279) omits to observe the distinction.

‡ See ch. vii. § 132.

against the central principle of society, the Crown. The supremacy of the Crown was urged in connection with the belief, that the Church and the nation were essentially one society, by vital incorporation ; a society subject, however, to the essential conditions that had distinguished both its parts in their separate state. Hence as the idea of religious duty was mixed with all civil functions, so also was the idea of coercion mixed up with matter ecclesiastical. The bonds of the connection were in fact drawn tighter than either the infirmities of human nature or the quality of the subject-matter would warrant or endure.

22. The doctrine of supremacy then, under Elizabeth, was mainly a negative idea as far as regarded what was most properly the Church, and had for its aim to controul those less placable elements, partaking of one or the other extremes of the day, which existed within its communion and seemed to threaten possible disorder. It sought to controul the Puritans, who inclined to hold that Scripture, and they themselves immediately under it, were the sole arbiters in all questions, as well of external as of internal religion, and who, upon the principle of private judgment, abjured or declined ecclesiastical authority. On the other hand, it went to controul the Romanists, who, though they did not set up individual opinion against the national order, yet were led by their submission to a foreign bishop into non-conformity. The supremacy of the Crown really meant antagonism to these two opposite principles, which, unless both had been repressed by its

superincumbent weight, would probably have rent in pieces, as was the case in Scotland, the whole fabric of the visible Church and of the social order. This is no theory of my own, but it is really the authentic explanation of the royal prerogative issued by Queen Elizabeth in the year 1559.* In these she claims “no other authority than, under God, to have the sovereignty over all manner of persons ecclesiastical or temporal *so as* no other foreign power shall or ought to have any superiority over them. And if any person, that hath conceived any other sense of the form of the said oath,† shall accept the same oath with this interpretation, sense, or meaning, her Majesty is well pleased to accept such in that behalf, as her good and obedient subjects.”

23. We must well consider how much the notion of coercion as an instrument was wedded at that period to the general view of ecclesiastical functions, before we can be in a condition to conceive the difficulty of separating in idea the two independent jurisdictions which were administered by spiritual persons, and which they had received from Christ and from the Crown respectively. But it is erroneous to suppose that the English reformers had lost sight even under Henry VIII. of the principle of the distinction. Even in the very commissions,‡ which the bishops took out under Henry VIII., and again on the accession of

* Admonitions of 1559. Lingard's Hist. of England, vol. v, Note F.

† The oath of supremacy.

‡ See the Commissions in Burnet, vol. i., Records, No. 14, and in Dr. Cardwell's Documentary Annals, vol. i. p. 1.

Edward VI., as a fresh warrant for the exercise of this episcopal authority, it is sufficiently specified that the instrument has not relation to their spiritual power as Bishops, derived from Scripture, but to their legal and civilly effective power as officers of the realm.

24. A further and very important mitigation of the regal supremacy existed in the fact, that it was claimed even by Henry VIII., not as an accession to his prerogative, but as an inheritance of which the Crown had been long though not altogether defrauded.

Elizabeth, in the Admonitions* of 1559, to which I have already referred, seeking to disabuse "simple men, deceived by malicious," declares that she "neither doth nor ever will challenge any other authority than that was challenged and lately used by the noble kings of famous memory, King Henry VIII. and King Edward VI., *which is, and was, of ancient time due* to the Imperial Crown of this realm." And again, in the year 1569, upon the suppression of the northern rebellion, the Queen published a proclamation to the following effect:† that "she claimed no other ecclesiastical authority than had been due to her predecessors; that she pretended no right to define articles of faith, to change ancient ceremonies formerly adopted by the Catholic and Apostolic Church, or to minister the word or the sacraments of God; but that she conceived it her duty to take care that all estates under her rule should live in the faith and obedience of

* Sparrow's Collection of Documents.

† Lingard, v. 295.

the Christian religion, to see all laws ordained for that end duly observed, and to provide that the Church be governed and taught by archbishops, bishops, and ministers." And she assured her people that she meant not to molest them for religious opinions, provided they did not gainsay the Scriptures or the creeds Apostolic and Catholic, nor for matters of religious ceremony, as long as they should outwardly conform to the laws of the realm, which enforced the frequentation of divine service in the ordinary churches."

25. The declaration of King James I. prefixed to the Articles, pretty clearly explains the practical position of the Crown during the sixteenth and seventeenth centuries :—

"That we are supreme Governor of the Church of England ; and that if any difference arise about the external policy, concerning the injunctions, canons, and other constitutions whatsoever thereto belonging, the clergy in their convocation is to order and settle them, having first obtained leave under our broad seal so to do ; and we approving their said ordinances and constitutions : providing that none be made contrary to the laws and customs of the land.

"That out of our princely care that the churchmen may do the work which is proper unto them, the bishops and clergy, from time to time in convocation, upon their humble desire, shall have licence under our broad seal to deliberate of and to do all such things as, being made plain by them, and assented unto by us, shall concern the settled continuance of the

doctrine and discipline of the Church of England now established ; from which we will not endure any varying or departing in the least degree.”

For, in point of fact, we find that the usual course was for the crown or legislature to refer the discussion and preparation of matter ecclesiastical to the mind of the Church, and subsequently, when the results were presented, to act accordingly. The ratification by statute of the articles under Elizabeth, the canons of 1603, the Hampton Court and Savoy conferences, and the subsequent formation of the Act of Uniformity, are among the exemplifications of this practice.

26. The convocation of the year 1640 decreed a canon on the subject of the Royal Supremacy, to be read periodically in all Churches. Its chief propositions bearing upon the present subject were,

1. That kings should rule and command in their several dominions all persons of what rank or estate soever, whether ecclesiastical or civil.

2. That they should restrain and punish with the temporal sword all stubborn and wicked doers.

3. That the power of calling and dissolving councils is “the true right” of all Christian kings, each within his own realm.

4. That it is forbidden to maintain any independent *coactive* power, whether papal or popular.

This appears to be a reasonable explanation of the relation between the sovereign and the Church. On December 14, however, of the same year, the House of Commons came to resolutions, one of which appears

to be aimed at this canon as containing matter contrary to the King's prerogative. Accordingly, Laud,* in the sixth article of his impeachment, was charged with robbing the king of his supremacy, by denying the derivation of ecclesiastical jurisdiction from the Crown. The popular party in both houses was composed† chiefly of persons holding Erastian principles, who acceded in part to the Scottish scheme, but with reluctance, and simply for political ends.

27. But the Crown is supreme, ecclesiastically as well as civilly, "in all causes." Is it then meant, in controversies of faith? Thus far the Crown is even here supreme; in determining this, like any other legislative matter, what faith shall be taught by the legally established ministry, and what shall not. But by the term "causes," judicial questions seem to be intended; and besides, the general idea of the faith, three hundred years ago, was of something certain, permanent, and objective, represented in the creeds, to be defended and delivered, not to be controverted at all. No cause affecting it could well be in contemplation, at a time when *burning* was, by the common law of England, the punishment due to those who denied it, and when even the controversies with the Church of Rome were dealt with as on a distinct and lower ground than that occupied by what were specifically regarded as the articles of the faith.

28. When two independent bodies enter into reciprocal relations, which neither are such as to fuse

* Neal, Charles I., ch. v.

† Ibid., ch. ix.

into one their distinct personalities, nor are, on the other hand, capable of being determined prospectively by written stipulations, with no other additional provision or reservation than the alternative of a total rupture; it becomes a matter of equal delicacy and importance to constitute a power which may be found generally competent to regulate their joint action according to circumstances as they shall arise, without either being absolutely tied to the limited sphere which a written contract could define, or, on the other hand, hazarding a resort to the extreme measure of dissolving the alliance. That power must be one, and must be paramount. But although paramount, and although mainly deriving its character from one of the two bodies, it does not destroy the independence of the other, because there always remains the ultimate remedy of putting an end to the connection; and the usefulness of the power is of course founded on the assumption that they will be generally in such a degree of harmony, that although there must of necessity be but one fountain of authority for joint administrative purposes arising out of the connection, yet it will express and represent upon the whole the tendencies of both.

29. Now those powers which belong to the Church as a religious society may, of course, be competently administered apart by her spiritual governors, and the analogous proposition holds good with regard to the State; but when the alliance has once been formed, the Church has become an estate of the realm, having

certain relations with the other estates, closely united and interwoven with them, and entailing a necessity, for the well-being of the whole, of some strict uniformity of operation between them. Now it is for the government of these relations from time to time, that an authority is required, neither purely ecclesiastical nor purely civil, inasmuch as the relations themselves are of a compound character. To take an example: if a bishop reject a candidate for a living* upon ecclesiastical grounds, he cannot lawfully be corrected by the State; but if he do it upon arbitrary grounds, or grounds not ecclesiastical, he may; because the accession to the living is not to a spiritual function alone, but to certain civil rights and emoluments along with it. Since then civil and ecclesiastical consequences are thus mixed up together, and both may flow from acts properly ecclesiastical, there arises a necessity for this middle authority, which, having as much sympathy as possible with both bodies, and representing both, shall be more akin to such a kind of jurisdiction than either of them, taken singly, would afford; accordingly the head of the State, invested, according to the Church, with a function of peculiar sacredness, and under the condition that he shall be also personally a member of the Church, is invested with it. He exercises an appellate jurisdiction; he judges not the cause, but the judgment; assuming the grounds which are supplied by ecclesiastical law, and inquiring

* See Lord Brougham's judgment in the Auchterarder Case. Supplement to Robertson's Report, p. 29.

whether its principles have been fairly applied to the particular subject-matter.

30. In connecting together the Church and the State, it will of course be the dictate of practical prudence to make such arrangements that neither party, within its own peculiar province, shall be needlessly perplexed by the intervention of the other; and the reciprocal confidence which the union of necessity implies will incline each to repose a liberal confidence in the other, and they will freely interchange the care of many collateral interests. There must, however, be regulations provided, which may meet the contingency of possible disagreement between the Church and the State. Let us inquire what considerations are entitled to influence their formation.

31. If, then, in a particular case, it happen that the canons, or the claims, of the Church as established come into collision with the statute or the common law of the realm, in the last issue, it is clear that the former must yield. It will depend upon the intrinsic merits of the principle for which she may be contending, whether she retains her authority in the court of conscience, her final test: it is no part of the law of her earthly condition that her will, even her legitimate and reasonable will, shall always take practical and bodily effect: whereas this is the absolute condition of the being of the State, that is, of the maintenance of social order on which it depends. The alternative still open to the Church is the resignation of all her peculiar legal privileges. Though her laws be forcibly and unwar-

rantly resisted, and even overborne, she may remain a Church persuading and admonishing the world; but a State must have compulsory power, to be exercised according to its discretion in the last resort, or the very keystone of civil society is removed.

32. Again: it is the absolute indispensable function of the State, to secure the social machine from stoppage or disruption, by the suppression of all disturbing forces. Hence it claims in every case to supersede of right any power which shall come into collision with its own. On this ground it assumes the prerogative of limiting the action of the Church by its own, the *majestätsrecht des Staates über die Kirche*,* and the Church concedes it. Whether the union subsist or not, the State must reserve to itself this authority, to meet the case of necessity. Its acknowledgment by anticipation on the part of the Church does not so much imply actual surrender of any part of her desire, as the common conviction of both parties, that the contingency of collision is both improbable and formidable, and ought by every possible means to be avoided.

33. Of the rigid advocate of Church power I would freely claim the admission, that the State and not the Church is the supreme coercive power on earth, and must therefore finally rule a disputed point in the mixed action of the Church wherever, upon its own responsibility, it may see fit. The Church may not oppose resistance to the law without foregoing the privileges of legal establishment. When she has foregone those

* Stahl, *Kirchenverfassung*, iii. 1.

privileges she must still obey in all things not sinful, but she has then relieved herself from a particular contract, which she had found to be at variance with her higher and more comprehensive obligations.

34. The argument may even be pushed farther : it may be held that if laws be passed totally incompatible in principle with the distinct spiritual existence of the Church, still she must submit to them until it has become evident that they impair in practice her essential powers. It is a very general rule of Christian kingdoms, that no synod may be held without the permission of the prince. Now it is difficult to conceive anything more demonstratively reasonable, than the claim of the Church to meet in her synods ; for it is not pretended by our law, for example, that controversies of faith can be decided anywhere else. It may therefore be said, that the civil ruler might at all times, according to this prerogative, have prevented synodical assemblies, and it seems that if he had done so, the Church would have been fettered in the exercise of a necessary function. Suppose, again, that the Crown have a *veto* on the appointment of bishops, or have an exclusive right of presenting them for election or consecration, it is clearly invested with a prerogative which may, in its extreme exercise, abolish the power of order, the ministry, the sacraments, and the whole body of the Church. But these are theoretical difficulties ; and they can only be used as general objections upon the supposition that power will uniformly be used for objects contrary to those

for which it was given, an assumption as false as its direct contradictory would be. They are attended with no real embarrassment, more than such a political principle as, for example, the unlimited power of taxation in the State, which in theory clearly might extend to stripping every subject of his last farthing, and so reducing a people to starvation.

35. The question, therefore, which as practical inquirers we are called to consider is, not whether the law in a particular social relation be such as, if its powers were used in their full extent, would be inconsistent with the Christian liberties of the Church, but whether its spirit and intention, so far as they are really discernible, are, and especially whether its actual exercise has been, such as to prevent her discharging the essential duties committed to her by our Lord, in respect to the maintenance and the propagation of the faith, and the administration of holy ordinances and discipline. In short, we must well consider the conditions of double action, and the limitations it necessarily imposes upon the separate will, as well as the prerogatives which the Church has, even in her best days, recognised as belonging to the prince, before we attempt to decide upon the precise terms of adjustment in particular cases between the secular and the spiritual power.

36. It does not follow from these positions that the Church is left without resort. On the contrary, whether the law may or may not recognise her inherent and organic powers, they may be called into exercise upon sufficient occasion. The doctrine would

be monstrous indeed, that the State should monopolise both sides of the alternative ; that it should have the constitutional power both of determining the alliance according to its will, and of imposing its indefinite continuance upon a reluctant partner. The connection, then, is one *durante bene placito* of both the contracting parties. And if the conscience of the Church of England should, by its constituted rulers, require any law, or any meeting to make laws, as essential to its well-being, and such law, or the license of such meeting, should be permanently refused, it would then be her duty to resign her civil privileges, and act in her free spiritual capacity ; a contingency as improbable, we trust, as it would be deplorable, but one which, opening this extreme remedy, testifies to the real, though dormant and reserved, independence of the Church. It must be added, that, although an extreme, it is not a visionary or an impracticable resort, which is here supposed, but one which has been actually realised in our history. Twice partially, (in citing the fact it is quite unnecessary to determine the merits,) in the cases, namely, of Mary, (when, according to Bishop Burnet, three thousand clergy were expelled,) and of the nonjuring bishops : once generally, when no less than eight thousand, as it is stated* by writers of the period upon inquiry, were ejected under the Long Parliament and Cromwell. It seems, however, highly probable, that the repetition

* Walker's 'Attempt towards recovering an Account of the Numbers and Sufferings of the Clergy,' during the great Rebellion.

of such an event would be attended with far more vital struggles than took place upon the first or even on the second of these occasions; and far from a visionary dream, that it might issue in total anarchy.

37. Yet it is evidently within the spiritual competency of the Church. She therefore retains, I will not say universally her actual, but her potential independence—her distinctness of being, and her power of resuming her original and absolute freedom. And it is quite possible, that she may enjoy her internal freedom, while meeting all the conditions of the law. Two wills, like two watches, may be independent while indicating the same hour, and moving at the same rate by virtue of an inward harmony. Such an inward harmony is essentially presumed in any enduring connection of the Church with the State. But at all events, and in the very worst contingency, the parties are independent as two men are independent, who become companions on a journey because they find themselves travelling in the same direction, and who reserve their right to part so soon as the roads, which they respectively intend to follow, shall diverge.

38. There has, however, here been conceded to the State, by way of abstract principle, more than our constitution appears to claim, whether for the sovereign or the legislature. The latter has never asserted an authority of determining heresy, except with the assent of the clergy; and it has settled the Liturgy and Articles on the footing on which they were

arranged by the Convocations of 1562 and 1661. Thus the active power of moving the Church in spiritual matters is not at all arrogated. Again, as to the prerogative of the Crown. Its demand is of a negative character. The sovereign claims under our constitution a *veto* on all canons, and his permission is required for the meeting of Convocation, but he does not claim the right of making by his sole authority any laws for the Church. Indeed a question might, as is said by some, be raised, whether it is or is not competent to the Church of England to meet in synod even without the royal authority, especially when it is considered that this right undoubtedly exists in the provinces of Ireland. The whole of this subject, and the policy which the State ought hereafter to pursue with regard to it, are most important, and require to be fully considered. It is enough here to observe, that if anything has been done of late years in the way either of anomaly or of usurpation, it has been done by the collective legislature in its capacity of political omnipotence; it has been done while the Church organs are in abeyance; it does not bind, or commit the Church, which is not a consenting party, to approbation, but only to obedience. She is only bound to show that in the regal supremacy, as acknowledged by her, which claims a negative upon all Church laws and upon all sentences in mixed matter, there is nothing unscriptural or unecclesiastical; and that in the actual exercise of this or any other State power, there has been nothing which has impaired her

essence, whether its particular acts may in every case have been justifiable or not.

39. It is impossible, in point of fact, that any other basis could be adopted than one which gives the State a *veto* on changes in the Church. The Church allies herself with the State in consideration of advantages accorded to her, which are accorded in respect of her peculiar constitution as a Church, and which would cease to be due if she violated that constitution; therefore the State must have the means of observing all her movements, of judging what change is violation, and of interposing the *veto*, which means simply, "If you do so, you must no longer enjoy civil advantages." But the converse argument does not hold as arising from the alliance, that the Church should have a *veto* on projected alterations in the State, because that which she renders to the State, the teaching of obedience, and the promotion of piety and virtue, she owes to it simply as the appointed government of the country, whatever changes its constitution may undergo.

40. This right on the part of the State is no more than analogous to the right of individuals, to be exempted from coercion in forming or modifying their belief. As it is the charge of the individual from God to determine what conviction shall have sway within the precinct of his own breast, so it is the charge imposed by the same power upon the State to determine what convictions shall prevail within the circle of laws and public institutions. Therefore, when the Church has

taken her position within that circle, she must by no means attempt to violate what is a fundamental condition, not indeed only of the welfare of the State, but even of its existence. She went thither in no selfish view, but because duty, and the work entrusted to her care, seemed to conduct her to the post. Of course she must not remain there to the detriment of those interests which she repaired thither to advance and secure.

41. Let us, then, endeavour, by way of summing up this portion of the inquiry, to draw a distinction between the power, the right, and the law, as severally affecting it. First, as respects the power; the civil legislature is, by the first condition of all naturally constituted or tolerable polities, to be socially omnipotent; but as, if it enacted that individuals should sacrifice to idols, they would probably disobey, so the Church would be bound to refuse compliance if an infraction of her divinely established constitution should be attempted. Of course, neither the one case nor the other is stated as a probable contingency; nor is it consistent with the principles of public law, that provisions should be made for any such dilemma.

42. As respects the right, we may or may not think that the Church requires, in this or that particular, a more free and effective organisation; but before determining that by not insisting specifically on its being conceded to her, she has forfeited her spiritual character, we should inquire, first, whether anything essential to her constitution has been or is to be violated; and, secondly, whether she has surrendered the

right to pass into her state of separate freedom. For example, it is a part of our ecclesiastical law, that if any archbishop or bishop shall refuse, after due notice given, to confirm and consecrate a bishop elect, within a limited time, they and their abettors shall incur a *præmunire*.* But the proctor of the dean and chapter must certify the election, in order to the confirmation, and in this point among others, “that the person elected is sufficiently qualified by age, knowledge, learning, orders, sobriety, condition, fidelity to the king, and piety.”† Of course, the governors of the Church would be bound, by the most absolute obligations of conscience, to incur the civil penalty, rather than confirm or consecrate, should a person ecclesiastically incompetent be presented to them. And the questions which alone we are here required to consider are, not whether the law be consistent in theory with ecclesiastical freedom, but whether in practice the Church has been debarred from the performance of her essential functions; and if not, then also whether, in the event of her being thus invaded, there be not a remedy in reserve for a contingency so deplorable.

43. As respects the actual law regarding the royal supremacy, we may gather its general principle sufficiently from the doctrine of Blackstone,‡ who sums up the duties of the monarch to his people thus:—“To govern according to law; to execute judgment in mercy; and to *maintain* the established religion.” And from the coronation oath; in which the promise

* Burn, i. 210.

† Ibid., i. 206.

‡ Book i. ch. vi.

is, “ to *maintain* the laws of God, the true profession of the gospel, and the Protestant reformed religion established by the law :” and to “ *preserve* unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them :” terms which imply a power somewhere to change the ecclesiastical laws, but which describe the royal duty as generally a duty of conservation, a duty to “ maintain,” to “ preserve,” not to modify or innovate.

44. As respects the appointment of bishops, it is unnecessary to enter into any detailed consideration of this prerogative. It is in a great degree analogous to ordinary lay patronage with respect to the order of the priesthood. It had been long and indisputably in the hands of sovereigns, many centuries before the Reformation. The plea of the war of investitures on the side of the Church was, that a practice had grown up, which seemed to place the spiritual part of the appointment in lay hands. But the crown does not make a bishop; it can merely propose him to be made; and the amount of concession made by the Church is, her consent to a law that no bishop shall be made during the alliance, except such as shall have been designated for that function by the sovereign. Even where (as in Ireland) the canonical election of the bishop by the dean and chapter is not interposed; still it is the consecration, not the appointment, from which, and from which alone, he derives his episcopal

character. And though the terms of the law assert simply and without qualification that effect shall be given to nominations, it likewise requires the Church to attest the religious fitness of the party.

45. The office, then, of the sovereign towards the Church, in virtue of the ecclesiastical supremacy, seems to consist mainly of the *executive* duty of defending it under the existing laws; the *judicial* duty of determining all questions which arise, in mixed subject-matter, out of cases where spiritual and civil right are involved together; and the *negative* duty of permitting the Church to enter, from time to time, upon the consideration of matters of her own internal government, to be subsequently proposed to the great council of the nation, that its members and the crown may have the opportunity of judging how they affect the compact, and that the Church may know, by their assent, that it continues unimpaired; and if, in reference to the anomalies of modern legislation, this shall appear to be theory, let a fair consideration of our whole history declare whether it does not express the ancient practice and the general spirit of the constitution better than a few precedents drawn from periods of indifference or oppression, or both.*

46. The recognition of the supremacy has sometimes been made a charge against distinguished members of the Anglican Church, as implying Erastianism. It is, then, singular enough, that its denial should have been one of the charges urged against Archbishop

* Mr. Palmer (on the Church, part v. ch. vi.) gives an enumeration of the powers belonging to the ecclesiastical supremacy.

Laud, upon his arraignment for high treason. We are chiefly reproached with it from the quarter of Romanism; but our assailants are probably little aware to how great an extent powers, analogous to and even exceeding such as we recognise, have been exercised by princes in communion with the Papal See.*

47. At the same time it should be observed, that the government of England has ever been distinguished, in civil matters, not so much by accuracy of adherence to any dogmatic and determinate theory, as by the skilful use of natural influences, and a general healthiness of tone and harmony of operation, resulting from a happy and providential fusion of elements, rather than from deliberately entertained intention. If this has been the case in our general concerns; if our constitution, as viewed by the crude speculatist, consist of a mass of anomalies, threatening perpetual contradiction and collision; if it has wrought rather by provision for the avoidance of such issues, than for their subsequent remedy; so also it has been with the Church, whose relations with the State had for very many years proceeded rather upon a mutually friendly understanding, than upon precise definitions of rights; and therefore we cannot expect to exhibit a theory which will bear a critical analysis throughout, in this more than in any other department of our national government. Nor are all the proceedings of the Legislature respecting the Church in the present day

* See Count dal Pozzo on the Austrian Ecclesiastical Law, pp. 22, 23, 55, 81, 101 (Murray, 1827). Palmer on the Church, part i. ch. x. objection xiii.

conceived in a spirit of unfriendliness. On the contrary, in the Session of 1840, it passed an Act for increasing the powers of Bishops against delinquent Clerks, in which, provided the parties consent to such an issue, the Bishop may pronounce sentence, which shall take legal effect without appeal to the Crown. They may, on the other hand, in the exercise of their civil rights as subjects, choose the ordinary method of trial.

48. The Scottish establishment, it may be remarked by the way, possibly as claiming by direct gift from Heaven that Divine authority which we deduce through the apostolical commission, has commonly been jealous, in the extreme, of admitting either the term or the idea of regal headship. In the "Second Book of Discipline" it is stated that "it is a title falsely usurped by Antichrist, to call himself the head of the Church." Of the three divisions of duty belonging to the ecclesiastical supremacy, which I have above described, the first, that of maintaining the Church, is allowed; and, whether with consistency or not, the prince's function of care and government is described by the "Confession of Faith" in terms considerably larger than any that are employed by the Church of England. "He hath authority, and it is his duty to take order, that unity and peace be preserved in the Church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordi-

nances of God duly settled, administered, and observed. For the better effecting whereof he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God.”* As to the second, it was observed in the first editions of this work, that the judicial relations of the civil and ecclesiastical powers were likely to be speedily brought to issue, under peculiar and interesting circumstances, in the probable sequel of what is termed the Auchterarder case. This development of results, within the interval of two years and a half, has been rapid and ominous: I have observed upon it elsewhere.† The General Assembly of the Kirk, in its vote of the 23rd May, 1838, recognised “the exclusive jurisdiction of the civil courts, in regard to the civil rights and emoluments secured by law to the Church.” The third is placed in a peculiar position. Both the State and the Church claim in Scotland the right to summon the General Assembly, and to authorise its proceeding to business. The King’s Commissioner declares, before the dissolution of any General Assembly, when and where the next shall be holden. The Moderator repeats it, but as of the Assembly’s authority. The law of 1567, however, authorises the Assembly to appoint a time and place, in case neither the King nor his Commissioner be present.

* The Westminster Confession, ch. xxiii. It is difficult not to refer these remarkable provisions to the influence of Selden and the Erastian party in the Assembly.

† Church Principles Considered in their Results, ch. vii. 159–166.

CHAPTER VII.

THE REFORMATION, AS IT IS RELATED TO THE DOCTRINE AND
PRACTICE OF PRIVATE JUDGMENT.

SECTION I.

OF PRIVATE JUDGMENT BEFORE THE REFORMATION.

*"Si in his versaris, quæ sibi errans animus facit, cum imaginibus
tuis loqueris, non cum verbo Dei."**

1. THE influences which at the present time are either actually operating or, so far as appears, about to operate, in an unfavourable manner, upon the principle of union between the constituted religious and political societies of this country, are intimately connected with the misapprehension of the doctrine of private judgment; as the doctrine of private judgment itself, again, is connected with the events of the Reformation. In order, therefore, to the elucidation of the subject, let us examine how private judgment, which is an ecclesiastical principle, stands related to the Reformation generally, as a reaction from previous abuse of an opposite kind, and to the English Church in particular; respecting which last I should desire to show, that she was not chargeable, as has sometimes

* S. Aug. Expos. in Evang. Joannis, Tract xx.

been urged against her, with any inconsistency, in reforming herself against the judgment of the existing Roman communion, and yet claiming to maintain an authority quite distinct from private opinion, as well as an union with the State. And after considering this retrospective relation of private judgment to the Reformation, we must further examine,* on the other hand, its bearings prospectively upon the connection of Church and State: first, under the form of the political doctrine of toleration; secondly, as independent of that doctrine and beyond it.

2. By the "right of private judgment" I understand to be legitimately implied the following proposition: that the individual man, in virtue of his rational understanding and free agency, is entitled and bound in the sight of God to be in the last resort the arbiter of his religious creed, subject to his own full responsibility for employing the means most calculated to put him in possession of the truth. By his being entitled, I mean that no human authority has the right to dictate his profession of belief independently of his will, or forcibly to interfere with it; by his being bound, that his duty is as broad as his privilege, that a mere acquiescence does not acquit him, but that his understanding ought also, according to his measure of cultivation and of opportunities, to be actively exercised upon the truths of revelation; by his responsibility, that he will be liable to be punished for all such erroneous judgments as are owing to the non-employment

* Vide chap. vi.

of those means according to their nature, as he would for any other sin arising from bias or neglect.

3. Now let us consider what the question of private judgment according to the foregoing definition is not. First, it is not a question of what is true or false in the matter of propositions; for a private judgment may be conformable to truth, and yet it may be unwarrantable to adopt it as a basis of conduct. So that we have nothing to do directly, in defining it, with the subject-matter wherein it is formed. Secondly, it is not a question of few or many; for if thousands disapprove a judicial sentence pronounced by one, it still remains a public, and theirs a private, judgment. Thirdly, it is not a question between a higher and a lower authority simply. The authority of the State may be in one way higher than that of a parent; but a law forbidding children to obey their parents would not absolve them from that duty; for it would be a human sanction against a divine one. Fourthly, neither is it a question between a higher and a lower authority, if both be of divine institution, simply. The authority of a bishop is higher than that of a parish priest; but were a bishop to desire a priest of his diocese to alter the Nicene Creed, and he should refuse, the priest would be acting upon the principle of authority, and the bishop on that of private judgment; inasmuch as the power given to him in the Church is subject to its general laws, of which the creed forms a part. Or, in case a criminal judge, by his charge to the jury, procure an unjust verdict against an individual, and the individual

resist the sentence, he is acting against authority and on private judgment as truly as if the verdict were just; because the action of the judge, though wrongful, is done within his official province. But if, on the other hand, the individual be guilty of the crime, and the sheriff proceed to carry its legal penalty into effect before the sentence has been pronounced, then the party, if he resist, is not thereby acting upon private judgment. Fifthly, it is not a question, notwithstanding its terms, where an individual must necessarily be a party; for if an organised body, being in relations of subordination to another organised body, contravene them in practice, that body acts upon private judgment. Sixthly and lastly, it is not a question between grounds of judgment wholly extrinsic, and grounds of judgment wholly intrinsic to the party judging; the advocates of the right of private judgment will allow that we are bound to form our conclusions, not merely by the simple and direct exertion of the understanding upon Scripture, but also through subsidiary and collateral means; while its opponents must confess, that the very act of freely submitting and surrendering our own inference to the sentence of authority is in itself an act of private judgment. These explanations will be found to obviate many forms of misunderstanding.

4. We are therefore using an illegitimate method of argument, if we say, here are a majority of voices, therefore the minority are acting on private judgment: it must first be shown, that the majority have power lawfully to bind the minority. We are also arguing

illegitimately if we say, here is a greater amount of authority, therefore you who persist in doing otherwise than it directs, are acting on private judgment. Fathers have an undoubted and divine authority to determine the education of their children. A thousand parents may educate their children, though baptized, without founding their education on their baptism, and one only may educate his children upon the basis of that sacrament. He is not acting on private judgment. And why not? Because they have no authority to define and direct the education of his children. They on the other hand rather are acting by private judgment; because, being appointed by God to educate their children upon one given principle, they have supplanted it, and substituted another. But were he to remove one of their children against the parent's will, and instead of the false education to give the child a true and sound one built upon his redemption and incorporation into Christ, he would be acting upon private judgment, since he would now be withdrawing the child from a legitimate power appointed to consult for his welfare and bringing him within his own self-constituted jurisdiction. What, then, is the true notion of that private judgment which has been so much a subject of controversy in the Church? It is resistance to a legitimate power when acting within its own province, whether rightly or wrongly as regards the given subject-matter. But if a constituted authority have overstepped the limits of its province, and be acting beyond them, it has, *ipso*

facto, lost its own proper essence, and is no longer constituted nor authorised. It is now itself acting by private judgment, for it acts in a province to which it has no official title; and it falls under the definition of the last sentence.

5. The question, then, whether the utterance of any given proposition or creed relating to religion be or be not an exercise of private judgment, must depend entirely upon another question, namely, whether it has been so uttered in defiance or neglect of any tribunal, living or traditionary, which has been authorised by God to give decisions in that particular subject-matter. If it has not, then to call it an exercise of private judgment is at best an equivocal and hazardous use of language; but if further it has actually itself proceeded from an authority divinely appointed to that function, then to class it with the acts of private judgment is a gross abuse of language. So much then for the case of those who may be authorised, as for example the Church in her general councils, to give sentence or judgment in questions relating to divine revelation. But individuals, as such, have no authority in religion, though they have freedom assured to them by the words of St. Paul—"Not for that we have dominion over your faith, but are helpers of your joy, for by faith ye stand."* Let us therefore consider the case of individuals.

6. The final act of decision upon matter of religion must, in the case of each particular person, be the act

* 2 Cor. i. 24.

of his private judgment. When flesh and blood fail, and the prisoner recants at the stake, his recantation itself must still be the act, when taken literally, of his private judgment; this narrow office, however, of mechanically representing the last and strongest impressions upon soul or sense, irrespective of their nature, is one which none can hesitate to assign or venture to deny to it. In this sense it is of necessity and always a condition precedent, it is simply that mental operation through which alone any motive or impression can pass into conscious action. The inward, and also generally the outward, actions of man as such are indeed essentially free, as it is always in his power to decline and repudiate a profession urged upon him even by violence. But there is a true answer to this; that practically, and in all but the rarest instances, he abandons his freedom rather than undergo violence, and suffers himself to be enslaved. Assent thus given, I propose to term functional, in order to distinguish it from what is free and deliberative. It is when we come to the selection of the means for the information of the judgment, that we begin to tread upon contested ground.

7. Suppose we commence by rejecting as unlawful all attempts to overpower the judgment from without by terror. This implies that one portion of human freedom, the outward portion, is secure; but a man whose understanding is misinformed by his prejudices or by any of his passions is still as truly a slave as if he were impelled by fear, which is one of them. The question remains, what are the obligations incumbent

on the conscience within? The use undoubtedly of those means of information which are appointed by God. To pray and to read the Scriptures; thus much is obvious. But what is to be done where the sense of Scripture is controverted? Is he inwardly to abide, without respect to any intermediate organ, by that sense which the sacred text may seem to him to bear? Or is he to recognise an "authority in controversies of faith?" If there be such an authority, which can come from God alone, is he to say, I think my own impression more probably true than the judgment of the Church, and therefore I adhere to it; or is he to say, here is a judge appointed by God for a certain purpose: if the judge have spoken, I submit; if the judge have not spoken, I hold my opinion subject to any sentence he may in future deliver, because I deem the conclusion received through him to have more of the presumptions of truth than any which I could obtain by a direct process?

8. Of two minds thus disposed respectively, both may alike be advocates of the right of private judgment as against external violence, which let us term the right of uncoerced judgment; but the first only is an advocate of private judgment in its modern sense, as denying any intermediate organ appointed to guide the individual mind to the knowledge of God. The second, on the contrary, clings, like Cranmer at the stake, to the principle of Catholic consent, as being a voice which, wherever it is articulate, is also morally authoritative. But he is also an advocate of private judgment in its

true and best sense, namely, considered as the duty of free and active judgment, of the sedulous application of the faculties to the appreciation of Divine truth, both as a whole and in its parts. This in reality is the correlative of the right of uncoerced judgment; for that privilege of freedom which God has given us is inseparably linked with, nay, is but another name for, a duty to employ it for our own fuller, and clearer, and more willing apprehension of the will of God.

9. Upon the whole, then, we have four significations indicated, in which the phrase "private judgment" may be employed with respect to religion.

First, that wherein it signifies the immediate instrument of mental assent or dissent.

Secondly, that in which it signifies the instrument of assent or dissent, and adds the notion that it is acting independently of coercion from without.

Thirdly, that in which it means the instrument of mental assent or dissent to a given proposition, not passively in the gross, but upon an examination in detail.

Fourthly, that in which it is most commonly used; namely, to imply, that the instrument of mental assent or dissent is to assume the impression or inclination of the individual mind, formed upon a view of Scripture, as the ultimate ground of assent or dissent, in preference to any sense of the Divine word which may be circuitously or mediately conveyed, and not conformable to such impression or inclination. The last I apprehend to be an abusive notion, in the breadth in which I have here stated it. It is with

respect to this sense that I have described* the injustice of predicating of any judgment which proceeds from a competent tribunal, that it is a private judgment.

10. So then we have functional assent, free assent, intelligent and reflective, or deliberative, assent, self-attested and self-based assent; the first too little for man, the last too much; the second a condition of the right discharge of the intellectual function, but no more; the third neither defective, nor excessive, nor merely in the nature of a condition, but itself the legitimate exercise of the office appropriate to his rational and discursive nature.

11. In the second of these significations the Reformation generally was, I believe, the parent, though not at its first dawn, of private judgment; a great and necessary boon to mankind. In the third, it will appear that religious liberty was the actual principle of the English Reformation as regarded the nation, and its result as regarded individuals. In the fourth and abusive sense, that it sprang from the abusive proceedings in some other countries, less of the earlier reformers than of the later, less of these than their successors, and less even of their successors than their opponents, and from an honest but narrow bigotry in our own island, which broke the chain of the ministry in the Church, and thus destroyed the doctrine of its visibility and continuity, and its consequent competency to bear a witness for the sense of the sacred

* Vide § 5.

word, palpably superior in moral credibility to the unsupported deductions of individuals.

12. And further, in order to comprehend fully the strength of the doctrine of private judgment, we must measure the whole space which lies between its state before the Reformation, when its infant struggles here and there were hardly perceptible upon the face of human society, and its position at this moment, when it threatens to disorganise kingdoms, to throw back the Church into its condition before the time of Constantine, and to desecrate and degrade the whole function of civil government. At first resisted and overborne by a gigantic power unscrupulously and tyrannously used, it gathered strength and elasticity in silence, and waited the season, not of release alone, but of revenge. In the time of Luther it threw off the yoke by a mighty effort. It spoke for a while in gentle phrase, and did not at once claim to be emancipated from truth as well as error, from God as well as man: but it has now fearfully developed its individualising tendencies, and they operate with an intensity and continuity, that we are to explain by reference to the length of that course of centuries through which it was held, first in inert, then in sullen and reluctant thralldom.

13. For a long period preceding the Reformation, it may be almost said, there was no formal theory on the subject of private judgment, nor for some time after it; in such a matter, practice, according to the

order of nature, precedes speculation. Yet there has always been a certain relation between the individuality of man, and his position and functions as a member of the Church, in which relation the subject of private judgment is essentially involved. To this then let us apply our attention.

14. If we contemplate the operation of the Roman Catholic system upon its members, whether in the present or in an earlier day, but, as might be expected, more especially in those times when her sway was almost unbounded and her fears not yet awakened, we shall perhaps find, that one at least of the leading tendencies of her distinctive doctrines and practices cannot in few words be described with more fairness, than if we say, that it was to limit the free agency of the mass of her individual members, and to bar, in the greatest possible degree, all active exercise of their intellectual faculties upon religion. These terms, indeed, at least the idea of absorption, as applied to the liberty of the human mind in a large mass of men, must be understood in a qualified sense: because it is scarcely possible that such a process should take strict and full effect except under peculiar circumstances of rare occurrence, from its utter contrariety to the first laws of our being. But, so far as human nature would admit, in a matter involving not only the highest interests, but of right also the most powerful and durable emotions that belong to it, it was apparently both the tendency and the design of the peculiarly

Romish institutions to nullify the principle of free agency in man, as respected its application to his direct relations with his God.

15. If we regard separately each of these peculiar institutions, we shall find not one, which is not capable of reference to this general and pervading idea. Let us then (for the sake of convenient division) endeavour to ascertain, by what means and with what effect the scheme went to supersede individual action in the several departments of the rule of faith, the regulation of discipline, and the private practice of life. Now the rule of faith, however its subject-matter might, according to Roman doctrine, be variously developed, was avowedly and invariably immutable; matter of discipline, on the contrary, was, by common confession, subject to change; matter of practice, again, must often fall under the cognisance of the individual alone; and yet in all alike, though under conditions so different, the Romish religion came nearer than might antecedently have been supposed possible, to the accomplishment of the wonderful purpose of imposing entire silence and inaction upon the faculties of the private person, otherwise than as simple recipients of the *dicta* of the Church.

16. In one sense, indeed, there is, as we have seen, a power of judgment left to every living creature by the first necessities of its constitution. The animal employed in draught must interpret the voice of its driver, and must to this extent enjoy an actual though not a licensed freedom; that is, there is a penalty ac-

cruing upon misapprehension, but there is no power brought to bear upon the faculties, which will certainly enable them to avoid it. Under all circumstances, therefore, it was for the individual Romanist to supply the last link in the chain which attached his practical conscience to the sovereign authority of the Church. It was not in the nature of will to be forced, or of moral conviction to be stamped upon the mind by a power purely extrinsic, and without consent from within, as on inert matter. But thus much the Church did: she enabled, she encouraged, nay, she commanded, and doubtless, had it been other than a sheer impossibility, she would have compelled each person to set aside his own free agency, except as regarded that last and formal transmission of her injunctions in which the mental faculties are little more than passive; and where the command was not obeyed, a temporal infliction followed, usually of the most stringent nature.

17. First as to the rule of faith. Not only was she infallible, for this singly would not have been enough. It is evidently possible that there might be on earth a man or an incorporation possessed of certain truth, and yet neither subjectively aware of its limits, nor having the means of irresistibly communicating it; that is, of conveying it home with a demonstrative evidence of its infallibility accompanying it. We, for example, who believe in the perpetuity of a church holding vitally to its head, may also believe that this institution, though infallibly preserved by a Divine

power in its spiritual life, has not of necessity an infallibly reflected consciousness co-extensive with that life; and has not therefore the means of defining infallibly that body of fundamental and certain truth, *quoqd* which she is, by the promise, to be kept always free from error. But it was not thus with the theory of Romanism. Not only was the Church infallible, but she possessed, commensurate with the infallibility itself, both a plenary knowledge of its extent, and, further, a power of declaring it to her members with conclusive evidence. She was unerring, not only in known matter of faith or vital doctrine, but in everything she should declare to be revealed truth; thus, therefore, her prerogative was so plainly legible to all, that the private man, born or brought within her communion, had no work of inquiry reserved for his own mind; he was not to try or prove any particular allegation: in short, there was no mental act upon matters of faith, but simply a reception; unless, indeed, that definite and palpable, but probably often formal, one, of general submission to whatever the Church should enjoin.

18. Thus the agency of the man as regarded the investigation and reception of his faith, the range for an operation of his will, the possibility of exercising a choice, were reduced avowedly to a single opportunity; and while upon that issue of obedience to the Church he might undoubtedly in theory be said to discharge the function of assent as a free agent, we must not omit to observe the particular manner, in

which the alternatives were made to present themselves to him. Upon the one hand he was promised from the mouth of the Church, an absolute assurance; against which he would have nothing to set, upon looking into the resources of his own mind, except an abstract love of truth, or a self-will (as the case might be) veiling itself under that sacred form; and these damped and disheartened by the want of all facilities for inquiry as well as by the sense of mental deficiency. Upon the other alternative, that of dissent, was suspended not merely the loss of the promised security for the interests of his soul, but a more affirmatively deterring spectacle in the shape of the severest penal inflictions. When the hopes and fears of these rewards and punishments respectively, and the real strength of the argument of authority in the Church, co-operated with natural indolence, and with the reluctance of the carnal heart to entertain the conscientious and laborious consideration of spiritual things, can we wonder that the ordinary result was a semi-voluntary and tacit surrender of free mental action in matters of religion: of that free mental action which is indeed our highest privilege, but which also entails our heaviest responsibility? There was in the common opinion of those times a culpable deadness to the privilege, with a serious and a pious sense of the responsibility, as there is with us, on the other hand, such a conceit in the privilege as seems too often to absorb all sense of the burden.

19. A question might be raised, how far the inert

acquiescence, with which most men would, under such circumstances, be content, was entitled to be called belief. We perceive, among ourselves, how little of private judgment is really brought into practical exercise; at least, how little there is of that genuine and sedulous kind of investigation, upon which alone any result worthy of being termed a judgment can be founded. The labour of performance is declined, while the right to undergo that labour is jealously and extravagantly asserted—asserted, under the notion of its being a valuable possession tending to self-respect, and in utter forgetfulness of the toil which it ought to entail. But when that toil was actually, and on principle, discouraged, when the command of the apostle to Christians in general, “prove all things,” was reversed, would not religious teaching be, as it were, swallowed, without being tasted; received in sound, without reference to the sense; in quantity, without reference to quality? For there was no recognition of any intrinsic difference in sense or in quality; and, therefore, to the mass of men, who always seek the shortest way of bringing their religious concerns to what seems in their eyes a settlement, the operation could not fail to become purely mechanical; and a service sadly degraded indeed, when considered as the offering of a spiritual creature, redeemed by Christ, to his Father in heaven. Not, on the other hand, that doubts and misgivings, or even questionings in any form, are the essential antecedents of a sound and worthy faith; not that intellectual investigation is the only way to that

great acquisition ; but that, as the religion of the Redeemer is destined to occupy the whole man, so it ought to be actively grasped by the understanding, as well as implicitly received into the affections and the will.

20. To those minds which felt a vital interest in the matter, which fixedly contemplated what they received as being truth, for the truth's sake, there might, indeed, providentially be imparted a spiritual benefit, arising out of the very act of a submission contrary to their individual bias. The sacrifice of their prepossessions, or of their impressions, even of their reasonable impressions, when hostile to the fictions of the Church of Rome, might, in God's appointment, be made a fruitful part of their earthly discipline ; but this is good wrought by Divine Wisdom out of evil—good such as we constantly see elicited from every form of evil, however malignant, and it tends in no way to the justification of that evil ; besides that it is obviously applicable only to a small class of persons, who form, as compared with mankind in general, the exception, and not the rule. With the mass, as has been said before, when the exercise of the mental powers in the proof of the doctrines of religion was not only not inculcated as a duty, but denounced or treated as an offence, it is no breach of charity to say that what was termed belief could be little more than a mechanical reception.

21. Secondly, as regarded matter of discipline. In this department, as immutability was not professed, it

might be hastily conjectured, that more scope was given to the free judgment of individuals; but it was not so. It did not follow, because the Church might change in matter of discipline, that she could err in it. The very perfection of her agency, the very proof of her infallibility, might lie in the successive adaptation of her discipline to the changing circumstances of successive periods. But in truth, as discipline is for the most part secondary in its nature, yet necessary wherever men are combined for collective purposes, since there must be unity of rule in order to render co-operation possible and effective, and as in general neither the negative nor the affirmative upon a matter of discipline involves (antecedently to the sentence of competent authority) religious principle or duty, we may be of opinion that private judgment has naturally little place in this department, and that there is little to surrender, because there is little to exact. Yet here the Church of Rome, if she did not advance her most extravagant pretensions, enforced, perhaps, the most exorbitant of all her demands. It was a law of discipline that took the cup from the laity; an act of robbery, in which we see the wantonness of spiritual despotism in its extremest stage, when it seems so intoxicated with power as to exercise oppression simply for its own sake; to treat the Christian liberty of individual members of the Church as approaching to the nature of a positive though necessary evil, which it is right in every way to repress and to curtail.

22. Further, let us regard the composition of the services of the Church. It appears that, before the Reformation, preaching, to which we must generally trust for stirring up the minds of the people to an intelligent activity in religion, had become rare to the last degree. But there was even more than this. What was the chief service of the Church? What was the nature of the service which, and which I believe alone, was held to be of absolute obligation? What participation of the individual mind, what energy and effort of its faculties, did the mass require? It was not, like our ordinary services, an united action of prayer, offered up by the priest, and shared all along by the congregation. It was not, like our administration of the Communion, a service of joint prayer with the oblation, consecration, and distribution of the Sacrament of the Body and Blood of Christ. It was a service of which the central and consummating act was a sacrifice offered up by the priest on behalf of the people, especially of those attending it, but without any further participation on their part than by presence, an innovation substituted for the ancient practice of general and constant communion. *Suscipe* (says the priest at the altar) *sancte Pater Omnipotens Eterne Deus, hanc immaculatam hostiam quam ego indignus famulus tuus offero tibi Deo meo vivo et vero, pro innumerabilibus peccatis et offensionibus et negligentis meis, et pro omnibus circumstantibus, sed et pro omnibus, &c.** If this ob-

* Roman Missal, Ordinary of the Mass.

servation have any force, it is entirely with respect to the mass as it was separated from the act of communion by the Church of Rome. Further, it was and still is a service, great part of which is pronounced so rapidly and inaudibly by the priest at the altar, as apparently to preclude anything like full community of action on the part of the people.

23. It is true, indeed, that at the present day translations of the Missal are published in many places, and the people may follow the words which they do not hear, and materials for their private devotions are supplied at the interstices of the public service: but in other places I apprehend it is not so; in ancient times, even since the Reformation, it was not so; when the French bishops condemned the translation of the Missal in 1661,* and were sustained in the sentence by the reigning pontiff; and when Dr. Cole contended at Westminster, in 1559, "That in the Church of Christ many things may be said and done, the mysteries whereof the people knoweth not, neither are they bound to know. Which thing, that is, *that the people did not hear and understand the common prayer of the priest and minister*, is evident and plain by the practice of the ancient Greek Church, and that also that now is at Venice or elsewhere."† Nay, even the moderate Tunstal, in the reign of Edward VI., though favourable to the translation of a part of the public service, "conceived the majesty of

* Church Principles Considered in their Results, vii. 43.

† Cardwell's History of Conferences, p. 70.

religion would suffer and grow cheap, if the most solemn part of it should be understood by the audience.”* What could more tend, than such a curtailment of their privilege in offering up the solemn sacrifice of prayer (amounting in many cases to its absolute abolition), to hinder and abridge the free habitual exercise of the faculties upon the subject-matter of religion?

24. Again, if we consider the method of intellectual discipline which was, and to a great extent still is, prescribed in the Roman Church for those who are to be students in theology, we find that it was technical and peculiar in the extreme. I am not about to follow the ordinary custom of denouncing the schoolmen, nor am I competent to pronounce an opinion upon the expediency of such a system as theirs for such persons. If any one would see what has been thought of them by inquirers who have studied their works without bias in their favour, he may do well to consult the work of Sir James Mackintosh on the History of Ethical Science.† Those who have paid any attention to continental preaching cannot fail to perceive, that the study of Thomas Aquinas, upon whose works I believe theological instruction is very commonly modelled, is at least not without some great advantages. But, previously to the Reformation, it is evident that the scholastic mode of reasoning was greatly in excess, and was pursued into multitudes of unprofitable subtleties. The consequence was, to take

* Collier, vol. v. p. 251, part ii. b. iv.

† Mackintosh's History of Ethical Science, p. 89.

away the key of knowledge from that considerable and valuable class of persons who, though without a professional calling, or splendid talents, or freedom from the ordinary cares of life, are yet able, where access to the sources of religious truth is free, to acquire a good degree of acquaintance with the subject, and by means of knowledge duly sought and gained to realise additional growth in grace. So that the world was pretty nearly divided into persons scientifically expert in theology, and persons intellectually ignorant of religion; the former being, with very few exceptions, priests, and the latter, therefore, comprising nearly the entire lay and also a large portion of the clerical community.

25. But thirdly; how were the particular tenets held in the Romish Church calculated to influence private tempers and conduct in a manner relevant to our present inquiry? For at first sight it would seem that, granting the duty of absolute acquiescence in discipline for the uniformity and harmony of the body of the Church; granting the propriety of mere reciprocity in doctrine, in deference to her high spiritual privilege of dispensing from God His truth in all its certainty and perfection: yet still, in that largest portion of the religious life of the individual which is naturally and necessarily private, in the general application of the system of rules delivered into his hands to his daily practice, in short, in the practical government of the conscience, there must be left abundant room for the exercise of faith, diligence, discrimina-

tion, and all the active qualities of the mind; and, therefore, an ample field provided for the free development of character. For here a glance inwards will surely remind us, that a great portion of moral facts, and those the most material, because they are the class most closely connected with the formation and elucidation of motives, are known in the first instance to the individual alone. Perhaps we may go further and say, there is much in the varied workings of the mind of each person, which must be known to him of all men exclusively. Many of its tints and colours, many of its initial and intercepted movements, many of its combinations of feeling and motive defying verbal exposition, yet not altogether inaccessible to reflective analysis: much, in short, of what most essentially constitutes our life in the sight of God, can never be otherwise than very imperfectly explained through the medium of any system of outward signs like human language, and must therefore remain for the most part between Him and ourselves.

26. Yet it is here that the peculiar genius of Romanism is most wonderful and conspicuous. Everywhere it seems to interpose itself between the man and his God, a dimly transparent medium, allowing only a measured and limited quantity of His light to pierce through the curtain which it spreads. And now let us review in series some of those distinctive tenets which it professed, and see whether they do not tend towards this object as their common point of union; namely, the drawing out from the mind of

the individual those processes which concern his salvation, and making him extrinsically dependent on something above himself, yet below God, by removing the control of them from his own command. I must, however, state, once for all, that, in order to estimate actual results, we must be content to look at Romanism in the form which it naturally and ordinarily takes among masses of men, and not merely in the logical definitions of its theology.

27. First, then : to this would tend the crowd of mediators, wrongfully interposed between man and the one Mediator. The view of Christ as a mediator does not tend to suppress the activity of inward religion, because our final salvation depends upon union with Him, union with Him upon assimilation to Him, assimilation to Him upon the reality and effect of our daily discipline on earth. But mediators who are men or angels only, and with whom we have no special relations, do but come in as substitutes, falsely proclaimed to do for us what we are bound to do for ourselves, when their intercession comes to be contemplated, which practically is too often the case, as our proper channel of access to our Lord. This is widely different from that regard to holy beings as examples, which teaches us to follow them as they follow Christ, and really and legitimately tends to quicken thereby our spiritual discipline. And the mediation, of which I here speak, means much more than intercession such as man may practise : much

that is only partially avowed, perhaps, in the theory of the Romish Church, but even now too generally legible in her practice.*

28. Towards the same end would operate the doctrine of purgatory: adjourning till after death that work of purification through suffering, which, along with the work of probation through love, enjoyment, hope, fear, and other affections and emotions, God has appointed to be done before death.

Quæ quis apud superos, furto lætatus inani,
Distulit in seram commissa piacula mortem.†

A reflective man may indeed feel so profoundly his own actual sinfulness, that he may long for a more extended period than the span of human life affords, as seeming absolutely necessary for its eradication. And again we may sometimes meet with instances where the true idea of this our earthly course is reinstated. So writes the Abbé de St. Cyran, "*ma prison que je regarde comme mon purgatoire.*"‡ But neither of these are the common view; and the idea of purgatory in fact removes from practical contemplation much of the real purpose of our earthly being, and leads in the same proportion to carelessness for the present about the inward discipline of religion, so large a portion of whose office it has transplanted into a distant region.

* Tyler's Primitive Christian Worship, part ii. ch. iii.

† Æn. vi. 568.

‡ Recueil de Pièces relatives à l'Histoire de Port Royal, p. 148.

29. In the doctrine of relics, again, we trace a similar tendency. In them the Romish Church lodges a virtue, the practical effect of which is, I do not say to extinguish, but to fetter, all free mental action in religion, because it substitutes that which is external for that which is inward; not indeed in theory, for, certainly, faith ought to be exercised upon the relic; but in practice, because it is too manifest, that the arbitrary multiplication of these instrumental *media* in religion gives a facility to the corrupt inclinations of man, by encouraging and disposing him to imagine that a mere outward act on his part, joined to the intrinsic virtue on theirs, is sufficient. Doubtless, there are Christian ordinances of intrinsic virtue, and most necessary are they to repress the opposite danger from an unbalanced and unawed mental action on the part of man; but the sacrifice of prayer in the Church is a constant exhortation to men to worship both with all their hearts, and all the strength of their best faculties, and this exercise it is the effect of Romanism, as it operates on the mass, to impair, by the crowd of spurious and fictitious helps which it professes systematically to afford.

30. Now let us look to pilgrimages: to the preference for the particular image of a saint at some one place, over other images of the same saint elsewhere; to the public advertisement of accounts of purgatorial remission for specified external acts; to the very prayers which we find in the churches of the Continent, headed with the promise that such and such

religious advantages shall be given to all who devoutly recite them ; for example, to the (I think) ten spiritual, with some other number of temporal, benefits, which may be found posted in some churches of Rome, as resulting from the use of holy water. Do not one and all of these suggest the same observation : that they tend, silently perhaps, but powerfully, to the substitution of outward and formal, for inward and spiritual, acts ; and that this so immediate juxtaposition of acts and their rewards goes out of the line and the analogy of God's dispensations, and by rendering our discipline less moral and more mechanical, shortens the arm and the reach of faith, and substitutes for it those immediate expectations which belong to our sensual nature, and in which even the inferior animals largely participate ?

31. But the grand exemplification of the influence of Romanism upon individual agency in religion is to be perceived in a combined view of the great doctrines of supererogatory works, indulgences, auricular confession, penance, and absolution. The branches are to bear fruit unto the vine : but the first of these doctrines supplies us with an excuse for fruitlessness, if the love of other men to Christ has already so far exceeded measure, that it is ready to supply our shortcomings—what a temptation to creatures, whose besetting danger is not excess of zeal ! Then of indulgences : they are, it is said, remissions of temporal penalties due to sin. Now, we know of no temporal penalty which is not also corrective, and employed for

discipline: indulgences are, then, a remission or abrogation of our discipline, of the lessons by which we are to be educated for heaven; and thus they are simply taking so much as they profess to remit, from the range of our spiritual profit on earth.

32. And how do the remaining doctrines, as they are blended in the Church of Rome, bear upon the primary and most essential exercise of all, and upon that continual pardon which the soul requires, in order to render any acceptable service? The tide of sin flows back upon us the moment it has been repelled: and to be delivered from its flood—to be washed from day to day—to have our justification renewed and restored in the perpetual cleansing of the blood of our Lord—this is the very pre-condition of all acceptable and Christian service. Yet even here the Roman arts have infused a poison. St. Augustine calls the Lord's Prayer *quotidiana purgatio nostra*, showing how he regarded this striving and supplication for pardon as a work incessantly required, and likewise depending on the exercise of the soul in confession and prayer before God. But what routine are men permitted, in the Roman discipline, to substitute? I do not say that she teaches so, but that so the mass of human nature will be found to use it. They will make confession at distant intervals to a priest, discharge the acts of penance which he enjoins, and receive his absolution; and a sacramental character has been given to these acts; acts, none of them blameworthy, but the reverse: acts, however, taken out of their

own place by the Roman doctrine. They are taken to be sacramental: but our daily prayers are not sacramental, nor taken to be so. Does it not follow, that our attention and desire will be concentrated on the former? that the mass of men, ever anxious to discharge religious duties at a minimum of trouble, will be detached in no small degree from the unseen and wholly inward and continual acts of prayer, not always bringing any palpable reward, and will substitute for them the confession, which recurs but at rare intervals, and the penance and absolution, which deepen spiritual torpor, by renewing periodically the sacramental* assurance of pardon from without?

33. Some may reply, that confession is a work of great severity and self-mortification. But it is for the very reason that it is a work thus arduous and severe, nay, so impossible to be fully discharged through words—for there must always remain the prayer to God to look at the whole heart with an eye far more searching than our own, and to detect and cure all its iniquity—it is for this very reason that it is also a work, which ought not to be made habitually to depend upon a mere verbal exposition before one who cannot see the heart, and which, when it is made so dependent, will degenerate with the mass into a cold, formal, perfunctory act, endured as it was before the Reformation, but now, I believe, to a great extent discontinued, in Roman Catholic countries, by the upper classes and the male sex in general. When

* Heb. vi. 6.

exhibited as the imperative and almost exclusive means of access to pardon, it obviously harmonised with a system in which the most solemn concerns of the soul were taken away from itself, and placed in the hands of the priest, and the scope of individual agency in religion proportionably reduced.

34. It is to be feared that the profoundest and most solemn exercises of the soul thus became matter of arithmetical calculation; were merely weighed against the external penance which would commute them, and ceased to be regarded in the awful character of sin: that the spiritual relations of men towards God were viewed as an account between debtor and creditor, which was capable of being accurately balanced from time to time, and on which men might run up a score, in the intention of paying it off by penance. Not that this was the deliberate view of the Roman Church; but we cannot look even to her formal doctrines on the subject, without finding that she grievously tampered with singleness and sincerity of motive, and left much room for reservations where they ought, of all things, to be avoided. It is of the actual effect of such doctrines on the mass of men that I speak; and we cannot, I think, but see in all this the substitution of sensual, formal, mechanical relations between God and man, for those inward works of confession and prayer, self-inspection and self-government, which are appointed to be our habitual exercise, and the appropriate means of ensuring an earnestness and activity of the faculties of the mind in the matter of religion,

to which external confession appears in the main to be properly subsidiary, when employed as a test or verification of that which is inward.

35. It has not here been attempted to enumerate the whole of the Romish peculiarities, but such only as have the most specific bearing on the subject of these pages. The foregoing strain of remark might, however, be prolonged. For example, nothing has been said upon the distinction of mortal and venial sin, as taught by Romanists; nor of the doctrines of probability and reservation, which have also a real connection with the foregoing argument; nor, for a different reason, of the *sale* of indulgences, which would add immensely to its force. This last, indeed, was the extravagance, almost the caricature, of iniquity. It went not to limit, but to destroy, wherever it prevailed, the spirituality, that is the whole subjective reality, of religion. Without resort to this deviation from the acknowledged system of Romanism, I think that from a consideration of those doctrines and practices which it confessedly embraces, we may be satisfied of the fact, that when brought into contact with the ordinary standard of the dispositions of men, they must powerfully tend to deaden that inward action which is the life and soul of all true Christianity.

36. There were, however, two classes who cannot be included in the scope of these observations. One, that of the intellectual men, who found a sharpening discipline for all their mental powers, in harmonising the intricacies and the subtleties of the highly-artificial

dogmatism, that prevailed so extensively within the Roman Church. The other, that of the holy men, to whom confession would, indeed, be the most intense and solemn exercise ; whose tender consciences would not be satisfied until they had exhausted every effort to rid themselves of the burden of their most secret sins. The holy men of Romanism have been great lights of Christianity. Penance with them would be a kind of thank-offering ; a beseeching God, as it were, to accept their humble and feeble, their sinful and punishable, efforts at self-discipline ; absolution, a comfort which they would receive with trembling ; and pain and shame, freely undergone, would co-operate with love to keep them stedfast in their allegiance.—

37. The general effect, however, of this repressive policy upon intelligent and awakened minds, is to alarm suspicion, to insinuate far and wide a latent scepticism among those who have no positive inclination towards the Gospel, and to check and stunt the growth of favourable dispositions where their seeds exist. Such persons will, for a time, be content to receive the current system in the mass, unexamined and consequently unappreciated. This, I think, was precisely the attitude of the mind of Montesquieu, who regarded religion as something to which the principle of change in its external institutions could have no application. *On peut bien changer les lois, parce qu'elles ne sont censées qu'être bonnes ; mais les institutions de la religion sont toujours supposées être les meilleures.** So he

* *Esprit des Loix*, xxvi. 2.

says the Roman legislators were too wise to introduce any alteration into the established forms of religion ; *les institutions humaines peuvent bien changer, mais les divines doivent être immuables comme les dieux mêmes ;** the dogmas of Christianity must be subjected to no examination. When an active mind has learned to adopt without discrimination such an opinion of the immutability of all things outward as well as inward, subjective as well as objective, that are connected with religion, it proves not the satisfaction of the understanding, but its despair ; it proves that the ground which Christianity ought to occupy in the intelligent part of our nature is undermined, and that an explosion is at hand, as was the case in France when Montesquieu wrote ; just as on the other hand, when men reverse this error and apply the principle of universal change to religion, we may be assured that it has lost its root in the affections, and that affairs are ripening in like manner, though in an opposite direction, for some great catastrophe. And it seems probable, that such a volcanic action as that of the French Revolution would have convulsed human society at an earlier period, had not the Reformation afforded a vent for the gathering evil before it had become wholly ungovernable.

* Politique des Romains dans la Religion.

SECTION II.

THE LUTHERAN REFORMATION.

38. Such then, as has been described, was the state of the world, in reference to liberty and activity of individual judgment, at the period when Luther and Zwinglius blew the first blasts of the trumpet. It will now be necessary to consider the views of the Reformers with regard to this subject; and together with their intentions, the natural, yet very different and unforeseen results of the transactions in which they bore a part, considered in the aggregate. So far as it respects the foreign Reformation, on which a brief outline will suffice, we may regard it as twofold. The Calvinistic branch of it is, for the purposes of this inquiry, sufficiently represented in the English puritans and their brethren beyond the Scottish border, of whom there will be occasion to treat hereafter. That portion of the work, which Luther and Melancthon conducted, appears to have been guided by different ecclesiastical principles, such as justify a distinct notice. After which, it will be required by the scope of this volume to examine the case, so far as it respects our own country, more in detail; and to trace there both the intent of the Reformation, in the actually subsisting doctrine of the Anglican Church upon the subject, and the spirit and inherent tendency of the acts, by which that reformation was achieved.

39. At the commencement of the Continental Reformation, the object contemplated by its authors was not, primarily, the establishment of any abstract principle, but the removal of positive and palpable abuse. The practice of private judgment preceded its theory; and it is difficult indeed to say when, in its specific sense, it commenced; when the general protest of the Reformation began to differ in principle from the demands of Saint Bernard, and others, for the removal of gross mischiefs in the Church. It was as the work advanced, and the number of detected corruptions was increased, and the efforts for their maintenance came into collision with those for their removal, that the men directly engaged, and their successors in the contest, found themselves compelled to fall back upon a general principle applicable to all the changes they proposed, and coextensive with the objections they had to meet on the part of the Romanists; who, instead of being satisfied to join issue with them upon their arguments, rather began by denying their right to argue, and drove them first to the practical exercise of that right, then to a scrutiny into its nature, and, last of all, to its avowed maintenance as a principle.*

40. Thus we find, first, on the part of Luther, a free appeal to the Pope from his ministers; the act of an unsuspicious mind, following the truth according to its

* The high authority of Mr. Hallam appears to corroborate this view. *Literature of Europe*, ch. iv. 60, 61. For a detail of facts evincing the intentions of the continental reformers, see Palmer on the Church, part I. ch. xii.

light, confiding in its power, and in the disposition of others to acknowledge its claim when fairly presented to them, and to ratify it in the face of men by their assent. In this first resort he was disappointed : but he did not fall back merely upon his inward convictions, apart from the sense of the universal Church, as a ground to justify his teaching and belief. On the contrary, he entered his appeal from the Pope to a general council, a proceeding not heretical nor contumacious, but conformable with the views authoritatively declared at the council of Constance. We perceive here his reference to what was held to be the legitimate exponent of the general mind of the Church ; and we are still within limits compatible with devoted Romanism. Perhaps Luther did not doubt the infallibility of a general council at the time, in which case he went the whole length of the Cisalpine school. At least he recognised the propriety of submitting to it his own individual judgment ; and this is quite enough to show how very far was his proceeding from the licentious opinions, which men in modern times have not only adopted for themselves, but have also ascribed to the Reformers.

41. And the course actually pursued by Luther was that which seems to correspond with what reason would anticipate. When the sale of indulgences suggested itself to his view as a monstrous abuse, and when he failed in his first and immediate resort to the executive ecclesiastical authorities for its redress, the Divine Word would next occur as the readiest and

most proper standard of appeal, the most certain and most fixed. To elicit the authentic expression of the mind of the Church in its most solemn form, it was necessary, according to the maxims then prevalent in Germany, to have recourse to an œcumenical council, which could not be assembled without a general concurrence of civil potentates, divided by interest and passion in every imaginable way; and it was likewise a measure most repugnant to the known, and by that time inveterate, prejudices of the court of Rome. Pending his appeal, what should he do? He had failed to procure assent to the terms he had proposed, that silence should be enjoined on both sides. To procure the convocation of such a body was an aim too remote, and requiring by far too great an apparatus of means in order to its attainment, to be within his reach; and so distant a hope could avail little for the satisfaction of a mind—nay, more, for the acquittal of a conscience—earnestly contemplating a practical purpose, and that purpose the removal of a mischief not only most extensively spread, but of daily and hourly recurrence.

42. Meantime the controversy lay between him on the one side, and on the other, not the supreme, but only the first executive authority of the Church. Luther's was, indeed, thus far a course of private judgment, that he differed from his official superiors; but it was upon the interpretation of a law by which they, like himself, were bound; and his interpretation he offered to submit to a regular catholic judgment when

pronounced. In the mean time what could be more proper, than that he should urge the grounds of his interpretations from the Divine Word? I do not know how any one can impeach in its essence this conduct, unless upon a principle which seems quite untenable, that no man can ever be justified in resisting an official superior, though he appeal to the authority paramount over both. Nor was the case like one where the voice of Scripture might have appeared to render an uncertain sound: no proposition could seem, at first sight, of easier deduction, than that a warrant was not afforded by its text for the sale of indulgences; so that Luther appears hardly chargeable with inconsistency in appealing, immediately to Scripture against the doctrine of venal justification, and at the same time referring his views to the ultimate arbitrement of the organs of the Church. Why should he doubt the meaning of Scripture, on a Roman Catholic principle, more than that of any other document, until some positive reason for such doubt were supplied, by a condemnation of his view from the proper authority—the decree of a general council?

43. While affairs were suspended in this manner, we find no evidence to show that Luther ever intended to separate himself from the communion of the Church. It is historically certain that he did not actually separate himself even from that of the Pope; but he himself was, unlawfully as we must consider, excommunicated by the Pope, and the sentence was accepted and enforced by the bishops. He retaliated, it is true,

upon the Pope himself. Yet he and his successors appear never to have disclaimed for a period of forty or fifty years the true sovereign authority of the collective Church;* they continued to maintain the doctrine that all Christians were bound to be of one body; they habitually referred to the mind of the fathers and of the primitive Church; they had no idea of the recent system of denominations. We may blame the violence with which Luther denounced the Sacramentaries; but we should do him gross injustice if we referred it to the exasperated pride of dogmatism, or to personal feeling of any kind, as its source. Surely it was because he believed, that they who resolved the Eucharist into pure figure denied a portion of catholic truth. He, therefore, and they who followed him, were united in intention as to faith with the whole Church: they were united as to faith, just as the two sections of Europe, which adhered to Rome and Avignon respectively during the schism of the fourteenth century, were still inwardly united as to communion.

44. But in the mean time a new necessity had sprung up. Luther and his followers had been rejected from Christian communion by their bishops, who generally adhered to the Pope. For a while they could receive Christian ordinances from the priests who had been regularly ordained; but how was the general work of Church government to be carried on? How were the desired reforms of discipline to be introduced? And the difficulties would increase, as this

* Palmer on the Church, part IV. ch. i. (Vol. II. p. 101.)

unhappy state of things continued. Their clergy must needs depart in the course of nature. What were the alternatives before them? On the one hand to subscribe to tenets not only which their soul abhorred, but also which they saw to be contrary to the faith of the primitive and undivided Church. To have done this would have been in them actual sin of the deepest dye. Were they then to allow their children to grow up unbaptized, their churches to remain without prayer and the preaching of the Word, their own bodies and souls to be always unfed by the Sacrament of the Eucharist? Or, on the other hand, were those priests who had protested against papal abuses to venture upon constructing provisionally a Church polity for themselves; to go beyond the limits of their ministerial commission, upon grounds of the most rigorous necessity, and to an extent strictly limited by the bounds of that necessity?

45. It is, I believe, historically demonstrable that this was the issue put by Luther and the Reformed Churches of Germany. In 1545, within a few months of the death of their great leader, they thus expressed themselves in a formal document: "*valdè optamus, ut Episcopi et collegæ gubernationis Ecclesiasticæ vere faciant suæ vocationis officia. Et in eo casu offerimus obedientiam nostram, videlicet si desinent esse hostes veræ doctrinæ, quam profiteamur.*"* This was the kind of necessity which they alleged for an extraordinary assumption of authority; and it will justify

* Seckendorf, iii. 531, in Stahl's Kirchenverfassung, anh. 1, p. 252.

none but those who can allege the like. Let us also observe its bounds. The German reformation was only thus far founded upon private judgment, that it was in disobedience to the immediate ecclesiastical authorities, but under an appeal to the common superior of both parties, namely, the mind of the universal Church: as if a subaltern should decline to obey his colonel upon the plea that his command was contrary to the rules and orders of the army, and should refer the point at issue between them to the commander of the forces. We may, in fact, compare the resistance of the Reformers in general to their diocesans, with that of the canons of Cologne,* in an opposite sense, to Herman, their archbishop, who was friendly to the Reformation: a resistance which would be but ill described as a simple act of private judgment.

46. It seems sufficiently clear, that the passage which I have just cited represents a real and profound sentiment, and is no mere profession put forth for the purpose of gaining temporary advantage. The very same formula, in which it is contained, defines the episcopal function in the Church, in evident contemplation of its renewal. The consistories which were erected by Luther and his friends were intended as a substitution for the officials, through whom the bishops had been used to exercise their disciplinary power, and thus were to compose a subordinate machinery for the government of the diocese, though with a degree of freedom sufficient to sustain their judicial character.

* Robertson, Charles V., vol. iii. p. 294.

The notion which has floated in the popular mind, that the superintendents were designed to replace bishops, appears to be erroneous. These were officers appointed to prevent the lapse of one particular episcopal function, the ordinary oversight or visitation of the clergy, and thus in part to supply the void, which the refusal of the bishops generally to countenance the measures of reformation had created.

47. It would appear that, when the struggle had lasted in Germany for some years, the hopes of religious agreement began to be exchanged for the prospect of a remission of actual strife by the toleration of differences. On the one hand, the civil power of the Elector of Saxony, and the other princes similarly disposed, had been exerted to support the Reformers; on the other hand, the Emperor, as head of the Germanic body, had claimed the right to enforce everywhere the ancient usages and the episcopal jurisdiction. At the pacification of Passau in 1552, and at the Peace of religion in 1555, exhaustion and the desire of repose produced an accommodation. In the first of these, a provisional freedom in the exercise of religion was allowed, with a reference to the approaching diet, in which it was hoped that the disputes might be brought to an end. In the Peace of religion, the claim to enforce the episcopal jurisdiction as against the Protestant States was formally suspended by the Emperor until an agreement in religion could be effected, and the supreme civil authority in each state was empowered to determine the form of doctrine and worship

within its borders.* The Peace of Westphalia, in 1648, confirmed the same arrangement, and definitively continued this suspension *usque ad compositionem Christianam discidii religionis*. Thus we see that the political documents of more than a century from the Reformation distinctly pointed to the state of religion as being still something intermediate and provisional, and waiting therefore for a final decision.

48. It was the theoretical and still more the practical effect of these treaties, to place much of the effective power of Church government in the hands of the German princes, while they threw the instrumental discharge of the more peculiarly episcopal functions, in natural course, into the hands of the consistories, which had been designed with a different view. From the time of the peace of religion it was usual to speak of the episcopal prerogative as belonging to the prince. For a century and a half, however, from that period, the writers of Germany had not forgotten that their Reformers clung firmly to the principle of authority in the ministry, and regarded the loss of the episcopate as a misfortune, and the existing substitutions as temporary, and as justifiable only on the ground of necessity. They held accordingly, that the sense of the clergy ought to preponderate in all regulations affecting the Church, and that they had spiritually, by divine right, the place of government. But there ensued a rapidly progressive declension from this theory. It became the prevalent opinion, first,

* Robertson, Charles V., vol. iv. p. 182.

that all church power belonged to the prince as such ; then that it was no more than a particular description of state power ; and next, in natural order, that its function was not to maintain, as a fixed body of objective and ascertained truth, the confessions of the Church, but to secure for each man the power of thinking for himself, and to maintain order in external rites of religion as in every other public department. This theory, which passed by the name of the territorial system, and which was itself a reaction from a policy of stringent repression of differences in religious opinion, abolished a great part of church power, and degraded the little that remained. It produced an opposite reaction against itself, namely, in that scheme of opinion, called in Germany the collegial system, which denies the connection of what is visible with what is invisible in the Church, and reduces it to a mere sum total of isolated congregations, each of which has no other foundation of existence or criterion of doctrine, than the will of those who for the moment may be its members.*

49. Now let us not fall into the error of regarding these false and pernicious schemes as having no other origin than individual caprice. They are both signs of the periods in which they acquired existence and currency : but they are more ; they are also results of the fundamental circumstances of those and of the im-

* I have derived this statement in great part from a recent work (Stahl's *Kirchenverfassung nach lehre und recht der Protestanten*, Erlangen, 1840) of great ability, which I know to be regarded as thoroughly well founded in its historical as well as its ecclesiastical views by some of the most distinguished men of Germany.

mediately preceding generations. This theory, named territorial, which pretended and meant to set free individual belief from arbitrary impositions, and which asserted the right of private judgment without any qualification, was the child of that combination of circumstances in which the bishops, the first in rank and responsibility among the guardians of the faith, had been by cruel necessity excluded from the government of the Church. It was attempted to supply their place in the sixteenth and seventeenth centuries by a scheme, in which a really ecclesiastical power should be ascribed to the ministry composed of presbyters, in connection with the prince: but it seems to have been felt that there was a hopeless incongruity in the indefinitely prolonged administration of a permanent authority by a provisional system; and the theories framed to account for the encroachments of the prince upon ecclesiastical functionaries failed in the attempt to invest the prerogatives thus acquired with such authority, as to satisfy the private conscience, and procure firm and continued acceptance of the established doctrine.

50. Upon the loss* of the episcopate there followed the gradual but complete extirpation of the idea of authority: there remained in its stead opinion alone.

* I do not mean to affirm that Luther explicitly asserted what is termed the divine right of episcopacy, but that he recognised its ecclesiastical authority, and therefore did not reject, but *lost* it. It might be argued that, maintaining the divine right of the ministry, and acknowledging the Episcopate as a legitimate part of it, he admitted its divine right by implication.

True opinion undoubtedly it may have been, but it was stripped of a great part of the subjective strength of truth—its historical, and at the same time divine, attestation, by a personally visible descent from the apostles of Christ. There was no longer an organ or a tribunal to which a man could definitely and confidently point, as having the witness of tradition and the known commission of Christ. The abstract idea of authority was no more defensible than a standard without its bearers; its personal subject was no more to be exhibited in an intelligible form: and if it be true that the bishops, as successors of the apostles, are the heads and spiritual governors of the Church, we cannot but trace the sure working of moral causation in that historical connection which has here been described, between the loss of their order, from the Church, and the disappearance of those ecclesiastical principles of which it is the centre and the life.

§1. The supremacy of private judgment, and its practical exemption from all effective limitations, appear to be almost equally recognised and guaranteed by either of the two systems, of which the one, placing church power in the prince, restricts it to securing mutual toleration and decreeing rites purely external; and the other, claiming absolute self-government on behalf of each particular congregation, at the same time leaves every person free to form a new scheme and a new association for himself. Now what was the effect of this consecration, or rather this idolatry, of the principle of individual judgment? It was destructive in blighting even the doctrinal systems,

which it was the noble aim of the Reformers to restore. Its devastating effects upon ecclesiastical authority were not more conspicuous than upon all the other doctrines of Christianity. With this came in the decay of piety and the increase of pride, the obstinate sophistry of rationalism (too truly an *insaniens sapientia*), and every form of unbelief; assaults upon the text and letter of Scripture, such as, taken alone, are quite sufficient, if they prevail, to overthrow the faith of the bulk of mankind, and a licence of interpretation which finally slays what the former had mangled. The truths, dear beyond their heart's blood to Luther and Melancthon, have for generations together been reviled from many of the pulpits of Germany, and even now are not secured in the uniform possession of the chair of instruction.

52. It is true indeed, and God be thanked for it, that they have not only many sincere and pious, but many most able and learned, many influential and official defenders; and true also, as we may trust, that the number of these champions is increasing. But it is also true, that in Germany, as in our own country, the extended prevalence of doctrinal orthodoxy has stirred up a kindred sentiment in many of her noblest minds—the intense desire for that blessing which the Redeemer bequeathed to men together with the faith, namely, the seed of a regular and permanent organisation in the Church. When that shall have been indeed restored, then again the intelligent recognition of authority in religion, and the guarantees for the permanence of the faith, will not be confined to the pious and the

learned in their private capacities, but will once more be embodied in the fixed and conspicuous forms of public institutions, and will assert the moral prerogatives which men may deny, but never can impair. In the mean time let us not presume to arrogate the office of pronouncing judgment upon even the least of those who have gone to their account; but it is not less our duty than for our advantage to profit by past experience, and to trace out in causes and effects the profound dispensations of God.*

53. Although, therefore, upon a general view, we must admit that an abuse of religious freedom was the spontaneous, not the immediate, growth of the circumstances attending the continental reformation, yet, on the other hand, we must allow that the first reformers themselves were contemplating objects strictly practical and legitimate. Of necessity they, by implication, assumed to themselves, in a greater or less degree, the liberty of private judgment beyond what was abstractedly desirable, but they did not assume it as such, nor for its own sake, nor was it private judgment in the modern and purely abusive sense, in which it is irreconcilable with the moral authority committed to the Church. This assumption lay between them and their grand object—the re-assertion and re-establishment of the truth, which they saw groaning and oppressed beneath fictions and superstitions whereof they wished to rid it, never doubting of the right, nor, so far as we can know, of the ratification of their acts

* Rev. C. Smith on National Religion, Letter vi.

by the Church, and trusting in a power better than their own; and, in fact, they simply discharged a primary function of human nature, in restoring to it the free agency of which it had so long been deprived. It was not mere liberty that they sought or worshipped, but that which liberty was needful to procure, namely, truth.

54. But as the existing mischiefs and abuses were great, so the power and the effort needed to destroy them were great also. According to the common but the melancholy law of our fallen nature, the pride of that effort and of its success (we need speak by no means of Germany in particular) at length contaminated the heirs of those, who had made it honourably before God and for conscience' sake; power corrupted its possessors, and there began to be a delight experienced in its exercise, and a love of it for the sake of that delight, and an increased admiration of self as holding the keys of that delight, and an indulgence in the exercise of that power, irrespective of its uses, its objects, its responsibilities. Hence, whereas it was first employed simply as a means to an end, in process of time men, dallying with the instrument, forgot the purpose for which it was designed. Reception of the truth, freely if it might be, but if not, then by compulsion, was the maxim of the Romish Church. Freedom of assent, as a necessary condition of the right reception of the truth, was not the motto, but the latent and gradually developed law, and the legitimate fruit, of the Reformation. Freedom of assent, without reference

to the intrinsic claims of the thing assented to, to the independent and substantive nature of truth, has been its besetting sin. So perilous are the examples even of lawful resistance to authority; so heavy the responsibility of those whose abusing it entails the overpowering necessity of such resistance.

SECTION III.

THE ANGLICAN REFORMATION—ECCLESIASTICAL SKETCH.

55. In England, to which we must now direct our regard, the course of events was widely different from that which we have just reviewed. Her Reformation, through the Providence of God, succeeded in maintaining the unity and continuity of the Church in her apostolical ministry. We have, therefore, still among us the ordained hereditary witnesses of the truth, conveying it to us through an unbroken series, from our Lord Jesus Christ and his apostles. This is to us the ordinary voice of authority; of authority equally reasonable and equally true, whether we will hear or whether we will forbear; of authority which does not supersede either the exercise of private judgment, or the sense of the Church at large, or the supremacy of Scripture; but assists the first, locally applies the second, and publicly witnesses to the last.

56. As respects the first part of the inquiry into the Anglican doctrine of private judgment, we shall find it easy to show that our Church never taught that

men were free to frame any religion from Scripture which they pleased, or to form a diversity of communions. But were the *acts* of her Reformation such as to destroy the effect of her doctrine of catholic consent? The acts of her Reformation established the claim of the nation to be free from external control of any living power in matter of religion, but not from catholic consent. It is a mere fiction to say that the English Reformation was grounded on the doctrine of private judgment. It asserted merely this, that the nation was ecclesiastically independent, and this, not of catholic consent, or lawful Church-power, but of foreign domination. Subsequently, indeed, her Reformation wrought out the result of freeing the individual also from the control of the nation by its physical power as a nation; but it never ceased to recognise the principle of religious authority binding on the conscience, which remains enshrined in her Twentieth Article, and in the canon of 1571. The opinions of some of the individuals instrumental in our Reformation were, perhaps, nearly the same as those originally professed by Continental Protestants; but in England they took less of permanent effect, because the organisation of the Church, through God's peculiar mercy, was still preserved to us. Let us now turn, first to the ecclesiastical, and subsequently to the political, elucidation of our subject.

57. The objection commonly taken to the conduct of those, who have studied to secure uniformity of faith and discipline in the English Church since her Reforma-

tion, is that when they had established the right of private judgment, and acted on it for themselves, they denied the same right to others. And there is a vague popular notion that it was on the principle of private judgment, in its ordinary sense, that the English Reformation was founded and is to be justified. I will not entertain at all the question, whether the English Reformation was justifiable, or the reverse; but will simply argue that it was not, in point of fact, in any controvertible sense, an exercise of private judgment. And I will not contest the positions, that the being of the Church depends upon certain gifts, and the conveyance of these gifts upon the ministerial succession; that, therefore, any aggregation of men cannot, of their own will, make and unmake a Christian Church: hence, that it is in vain for us to argue from that national identity, which survives political revolutions whether they be founded in right or in injustice, and proves that the abrogation of an old government and the substitution of a new one do not break the actual continuity of the collective life. On these conditions let the English Reformation be rigorously tried: it will escape unscathed from the trial. But, in laying down this proposition, I speak of it in its general forms, and in its leading features; and by no means with the supposition that the whole series of acts, regal and parliamentary, from the affair of the divorce to the death of Edward VI., and again upon the accession of Elizabeth, were framed throughout upon a clear, invariably governing idea, and upon a single, compre-

hensive, and consistent plan ; or that they were all, if taken apart, even defensible in themselves.

58. There are two modes in which the modern notion of private judgment, which I have given as the fourth signification of the phrase, might be, with presumptive equity, traced up to, and charged upon, the English Reformation as its parent. One, by showing that the rule of faith, as inculcated by the English Church, is such as to set aside the authority of the universal Church, or the principle of Catholic consent, by making it secondary to the opinion of the individual in the interpretation of Scripture. This would have been the direct method of precept. The other, by proving that the measures taken in order to establish the Reformation in the Anglican Church were themselves examples of the right of private judgment in the catholic sense, inasmuch as a national act, which is contrary to catholic principles, is undoubtedly an act of private judgment. This would have been the indirect method of example. It is pretty commonly known that the English Reformers discouraged, in terms, the principle of private judgment ; but this is supposed to mean, that they discouraged simply any judgment opposite to their own, while they broke down and denied the ancient rules of interpretation, thus leaving individual opinion free from its recognised restraints, and that by acting themselves upon private, that is to say, upon unauthorised grounds, they established a precedent for others. Against this I argue both—(1) that in doctrine they

maintained the principle of catholic consent, and thus upheld the theory of Church authority; and, (2) that in their own acts they merely used the powers which ecclesiastically belonged to them, and thus conformed in their practice to their theory.

59. The historical proofs of the first of these propositions are brief and simple. Before proceeding to those that are most strictly relevant to my present purpose, I will mention some incidental illustrations, which the reign of Queen Mary affords. When the statutes against heresy had been revived, in December, 1554, and the leading Reformers who remained in England, and who had been already imprisoned, began to be apprehensive for their lives, they prepared petitions containing a joint confession of their faith,* in which they declared that the Catholic Church ought to be heard as being the spouse of Christ; and professed their belief in the articles set forth by the four first general councils, by the first and fourth of Toledo, by the creeds of the Apostles, of Irenæus, Tertullian, Athanasius, and Damasus. Cranmer published a protestation soon after the accession of Mary, in which he undertook to prove the conformity of the whole order and doctrine of the Church to primitive usage.† Especially at the very time of his degradation, while entering his remonstrance and appeal against the Romish doctrines, he expressly recanted whatever he might have taught that

* Lingard's History of England, vol. v. ch. ii. p. 83.

† Burnet, Records, part ii. b. ii. No. 8.

was contrary to the universal consent of the Church.* With respect to the Eucharist in particular, upon which he was arraigned, he declares he was governed by the Holy Scriptures, by the primitive Church, and the exposition of the Fathers; and that he was not only willing to be determined by the sense, but to subscribe “the very phrases and terms of the ancients relating to the Holy Eucharist.” † Ridley, his illustrious brother in affliction, held language to precisely the same effect. ‡

60. We come now to the commencement of the reign of Elizabeth. In the conference of March, 1559, Dr. Horne read, on the part of the Protestant Divines, a discourse, in the preface to which is found the following passage: §

“And forasmuch as we have for our mother the true and catholic Church of Christ, which is grounded upon the doctrine of the Apostles and Prophets, and is of Christ the head in all things governed; we do reverence her judgment; we obey her authority as becometh children; and we do devoutly profess, and in all points follow, the faith which is contained in the Three Creeds; that is to say of the Apostles, of the Council of Nice, and of Athanasius.”

61. In the Act of Uniformity, || by which the reformed worship was legally re-established, it was provided that such ecclesiastical commissioners as the

* Works, iv. 121, 127.

† Collier, ii. 391, fol. Strype's Cranmer, ii. 545.

‡ Ridleii Protestatio, in the Enchiridion Theologicum, i. 47.

§ Cardwell's History of Conferences, p. 55.

|| 1 Eliz. c. i.

crown might appoint should have no power to adjudge anything to be heresy, except what had been so declared by Scripture expressly, or by the four first general councils, or by any other general council from the express words of Scripture; or such as Parliament should thereafter declare to be heresy with the assent of the Clergy in Convocation. Thus they were properly placed, as executive officers, under the control both of the legislature, on the part of the State; and of Scripture, of the œcumenical decrees, and of the national clergy, on the part of the Church: the clergy forming the ordinary tribunal to judge of heresy upon any questions which might arise within the kingdom; and the decrees of the councils being those common laws of Christendom, which it is the function of Catholic consent to recognise.

62. In the Thirty-nine Articles it is enacted, that the Three Creeds are to be received and believed as expressing the sense of Scripture; and that the Church has authority in controversies of Faith.* It is stated, indeed, that this clause† was not in the original copy of the Articles which passed Convocation: be that as it may, the clause was accepted without scruple by the governors of the Church, and it was subsequently confirmed by Parliament, if not in the Act of 1571, at least in that of 1661.

63. It may, however, be thought, that these several facts are to be explained by the circumstance that the rulers of the English Church had not yet come to a

* Articles viii. and xx.

† Cardwell's History of Conferences, p. 21, note; Burnet on Art. xx.

rupture with the great bulk of those who had preferred the ancient worship, and that they were content to abate something of the breadth of their own reforming principles purely for the sake of conciliation. But such an hypothesis cannot be sustained; for when we come down to the very time when the Pope had issued his deposing bull, and the Romanists of England had in consequence begun to secede formally from the Church, the Church of England most authoritatively declared, by the Canon of 1571, its adhesion to the principle of catholic consent, as establishing the right interpretation of Scripture in all cases where this consent is unequivocally made known. She there, in further development of her Sixth Article, enunciates the principle that Scripture contains all things necessary for salvation; but in determining the further question, what are the things which it contains? she requires that we should look to the sense of primitive antiquity, as affording, wherever it has been declared, the most legitimate and probable method of ascertaining the doctrine of the Bible. These are its memorable words:—“*Imprimis videbunt concionatores, ne quid unquam doceant pro concione, quod a populo religiosè teneri et credi velint, nisi quod consentaneum sit doctrinæ Veteris aut Novi Testamenti, QUODQUE ex illâ ipsâ doctrinâ Catholici patres et veteres Episcopi collegierint.*”* Canon xix. A.D. 1571. Doubtless to very

* See for proof in detail, Palmer on the Church, part ii. ch. vi. See also Faber's postscript to the preface in 'The Primitive Doctrine of Justification,' pp. xxxiv—xli. This opinion will be unsuspected, and will deservedly carry great weight. Reference has been made else-

many readers this canon, and some of the proofs which precede it, will appear as a startling novelty ; yet did it express the indubitable, the uniform doctrine of our great Reformers ; and even those among them who were, perhaps, partially affected by the strong sympathetic tendencies of the period to recede from Roman doctrine as such, and occasionally without grounds otherwise sufficient (I may mention, by way of example, the venerable name of Bishop Jewel), remained firm and undoubting, whether in the closet, from the pulpit, or at the stake, in the doctrine of catholic consent.

64. It may, however, be thought that a contradiction to these views of the spirit of the English Reformation is practically found in the circumstance, that the Scriptures were freely given to the people by our Reformers ; for it may be urged, that easy access to them would naturally beget diversities of opinion, and that these again would be found incapable of being controlled by the decrees of the fourth and fifth centuries, and could not fail to raise schisms in the Church. Now, as to the free circulation of the Holy Bible, there is no doubt (God be thanked) of the fact, that it was the first religious movement of our Reformation in England, under Henry VIII., to place the Scriptures in a position of accessibility to the mass of the community. When the influence of Gardiner began to prevail over the mind of Henry VIII., and the Act of the Six Ar-

where to the dispassionate and philosophical testimony of Mr. Hallam, ' Literature of Modern Europe,' vol. i. ch. iv. pp. 60, 61. In No. 78 of the publications entitled ' Tracts for the Times,' will be found a collection of Anglican testimonies on the subject.

ticles had been passed, one of the most prominent features of this retrogression was a limitation of that liberty of perusing Scripture which had formerly been granted, to the very small portion of the population that belonged to the degree of gentlemen. The Act imposing this restriction is dated January, 1543.* And further, at a time when the Reform was again established, and when the pressure of Puritanism had begun to be felt, and stringent measures to be taken for repressing a tendency to excess in religious change, we still find no jealousy existing on this head. In the Articles of Metropolitcal Visitation, dated 1567, one of the points to be inquired into is, whether any of the ministers (of the cathedral and collegiate churches) “do, either privily or openly, teach any unwholesome, erroneous, seditious doctrine, or discourage any man from the reading of the Holy Scriptures soberly for his edifying.”† Then a passage, subsequent to that which I have last cited, denounces those who maintain “that it is not lawful for any particular church or province to alter the rites and ceremonies publicly used to better edification;” or “that any man may or ought, by his private authority, to do the same.”

65. Thus we perceive that there is nowhere any vestige of such an idea as that an alteration in the faith itself should take place; and that, therefore, neither the Church nor individuals were viewed by

* Collier, v. 95, ed. 1840.

† Strype's *Life of Parker*, Appendix, No. liii.

the Anglican Reformers as having any lawful power to do more than receive and transmit the one immutable truth with their best fidelity; while, in matters of discipline, a power of alteration is asserted for the Church of a nation, to which the natural functions of an organised body must belong. And yet, simultaneously herewith, there was a provision intended to secure for the people the use of the Scriptures. To some this may appear a gross inconsistency. In my view it is far otherwise; and the conduct of our then ecclesiastical rulers in this very matter was the brightest page in the history of our Reformation. They were not responsible for the abuse of a gift which God had bestowed on man, and which they thought themselves bound, according to their power, to secure to him. They contemplated the Scriptures as food appointed for the universal people of God, and the critical examination of them as the accident, and not the essence, of their relation to us. They saw the truth in its simplicity, and legislated on the supposition that others would see it also, and prize it and hold it for itself, and anxiously separate from it anything of private notion or caprice, and endeavour to ascertain their own soundness in the faith by assuring themselves that their creed was conformable to that of the Catholic Church of Christ.

66. Such, then, was the doctrine of the English Reformation as bearing directly upon the principle of private judgment; tending to supply it with materials for its active exercise, but asserting at the same time

its legitimate subjection to the sense of the universal Church. But we have now to examine the further question, whether the acts of the period, and of the men, were such as to contravene their doctrine and neutralise its effect?

We must consider the acts of the English Reformation in two forms: firstly, as to its strictly ecclesiastical grounds, those grounds which remove us from the charge of schism, and from which may be refuted the objections to the continuity and Catholic authority of the Anglican Church; secondly, as to its civil form, or the shape which its acts outwardly assumed, and in which they were made legally and nationally effective. The movement on the part of the rulers of the Church is indeed that upon which, as members of the Catholic Church, we may most securely rely; but their convictions, however strong, and their authority, however legitimate, had they stood alone, would probably have availed but little. The people were greatly behind their spiritual guides, as well in the desire for reformation as in the knowledge and authority requisite to conduct it: and it was the power and influence of the State on which, humanly speaking, these guides had to depend, in order that their ground might be made good in the mean time, while they were preparing and bringing into action, by processes necessarily tardy, the means of general and permanent improvement through sound Christian instruction spread over the country.

67. We are to regard, first, the former of these

divisions of the subject. The cardinal act of the English Reformation, upon which the whole of its essential character may be argued, was the abolition of the papal jurisdiction. In March, 1531, the clergy of the province of Canterbury, having been threatened with the penalties of *præmunire* for their submission to the legatine authority of Wolsey, petitioned the king for his indulgence.* In this petition they addressed the sovereign as “of the church and clergy the chief protector, the only and supreme lord, and, as far as the law of Christ will allow, the supreme head.”† At the same time they promised “for the future neither to make nor execute any constitution without the king’s licence.”‡ The Convocation of the province of York, after some demurring, concurred in the Act, and the royal pardon was granted. In March, 1534, a formal submission to the royal jurisdiction was made by the clergy§ and passed in parliament. It repeated the promise respecting canons and constitutions, acknowledged that all convocations ought to be summoned by the king’s writ, and agreed that a commission of thirty-two persons should be appointed for the reformation of the ecclesiastical laws.

68. The parliamentary proceedings with respect to alterations in religion followed very nearly upon those of the clergy. They were as follow:—In the year 1532 an Act against annates; in 1533 an Act against

* Burnet, Hist. Ref., b. ii. an. 1531.

‡ Burnet, b. ii. an. 1531.

† Lingard, vol. iv. p. 180.

§ Ibid., b. ii. an. 1534.

appeals to Rome; in 1534 an Act reciting the acknowledgment of the royal headship by the clergy in their Convocations, and thereupon putting an end to all payments to, or provisions, bulls, or dispensations from, the Roman see;* as well as declaring the adherence of the nation to the articles of the Catholic faith of Christendom. Then an Act was passed providing for the future consecration of bishops without reference to the Pope. In a later session of the same year the royal headship was enacted by a law for the purpose, and the power to visit and reform assigned to the king and his successors. Thus we have before us the authentic judgments by which the papal supremacy was ecclesiastically abolished, and likewise upon which external and legal effect was given by the law to that sentence of the national Church.

69. It would be irrelevant to inquire into the intrinsic propriety of these Acts, or, at all events, to go the length of justifying their precise terms. The questions before us in this place are simply these—whether the jurisdiction of the Pope was abolished and the royal supremacy affirmed by the national Church; and if so, then whether the national Church was a tribunal ecclesiastically competent to do that which it did, setting aside the distinct inquiry if it was rightly or wrongly guided in the exercise of its discretion. Now, in the first place, it is clear that the petition of 1531, and the submission of 1534, were acts of the national Church, for they proceeded

* Burnet, b. ii. an. 1534.

from its synods, regularly and constitutionally assembled.

70. It is utterly vain to argue that the threat of civil consequences, which was held over the Convocation of 1531 as the alternative to follow upon their resistance to the claim of the Crown, could destroy the validity of their formal act. For in the first place, it does not appear that the bishops, with whom the final authority must, on Catholic principles, be held to lie, were under the influence of these menaces. Fisher himself was one of those who were present in the Convocation of 1531, and agreed to the petition of that year.* The spiritual lords constituted an actual majority of the upper house of parliament when the Act of 1534 was passed, and do not appear in any way to have resisted it. The whole of the bishops swore to the royal supremacy in 1535,† Fisher having then been already deprived for refusing to take the oath of the succession. Collier says, "many of the bishops, who had consulted the records and examined the practice of the earliest ages, were not disinclined to this change."‡ Of the most prominent persons among them, Gardiner, Bonner, and Tunstal had actually written in favour of it.§ There is, therefore, no reason to believe, that the act was one at variance with the conscientious persuasion of the then governors of the Church; and Lord Clarendon states, in reference

* Burnet, b. ii. an. 1531.

† Ibid., b. ii. an. 1534.

‡ Collier, part ii. b. ii. *sub init.*; Bramhall's Vindication, ch. iii.

§ Hallam, Const. Hist., vol. i. ch. ii. p. 93.

to this crisis, with strict historic truth, that Henry “applied his own laws to the government of his own people, and this by consent of his Catholic clergy and Catholic people.”*

71. Further, it does not appear that the reluctance which was manifested by the clergy to the title of headship, had any reference to their regard for the papal claims; but, on the contrary, that it was founded upon an apprehension they reasonably entertained, that it might seem to detract from the prerogatives of the Redeemer. Of the qualification itself, *quantum per Christi legem licet*, it has been alleged that it nullified the grant; but, on the other hand, it might be urged with at least equal fairness, that the admission of the headship is unquestionable, from the very fact that it was thus limited and defined. It is, however, more material to remark, that these qualifying words only apply to the term head; and that if the clause in which they are found be removed altogether, the document remains as obviously fatal to the papal pretensions, as if the headship had been asserted in the most absolute form. For the Convocation, without any scruple or resistance, as we have seen, acknow-

* Clarendon's Religion and Policy, ch. vi. p. 321. See also *ibid.*, ch. x., pp. 663, 664, on the Papal Supremacy in France and Spain. “There was this important difference between the two countries (England and Germany), that several bishops from zealous conviction, many more from pliability to self-interest, had gone along with the new-modelling of the English Church by Henry and Edward: so that it was perfectly easy to keep up that form of government in the regular succession which had usually been deemed essential.”—Hallam, Const. Hist., vol. i. ch. ii. p. 93.

ledged the king to be “of the Church and Clergy” not only “the chief protector,” but likewise “the only and supreme lord.” And, indeed, there is the most direct evidence upon this subject. The Convocation of the province of York stated in writing to the king the objections which they entertained; and, according to Burnet,* it appeared by the king’s answer to them, that they chiefly contended that the term “head” was an improper one, and such as could not agree to any but Christ alone. And we should observe that the phrase “supreme and only lord,” which appears to have passed wholly without opposition, is in itself a much higher title than that now ascribed by our law to the sovereign of these realms. So much for the regularity and sufficiency of the judgment of our national synod against the papal supremacy.

72. But even had all this been otherwise, and had it been fairly presumable that the bishops of the year 1531 were in their hearts averse to the royal, and friendly to the papal, supremacy, it might still be argued, as I conceive, with perfect truth, that mere menaces of civil consequences addressed to bodies of men cannot be allowed to have made void their legal competency. Free agents, acting in a public and authorised capacity, must be held bound by their own acts. If such acts are to be deemed invalid by reason of menace, why not by reason of corrupt inducement, which as truly tends to supersede and disqualify the judgment? And then, what amount of apprehension,

* Burnet, b. ii. an. 1531.

what degree of inducement, is that at which an act otherwise authentic comes to be invalidated by these secondary motives? Inextricable perplexity and the destruction of all confidence in human affairs must follow upon the recognition of such a doctrine; but these pernicious results are merely the index of its essential vice, which is this, that it reverses a fundamental law of our nature, and assumes even collective man to be neither free nor responsible. I do not, indeed, say that such judgments may not much vary in their moral weight, according to the degree in which freedom of action and singleness of motive are evident on the part of those from whom they proceed; but this I confidently maintain, that all acts of a public tribunal must be regarded as legally and officially its own, unless it can be shown that they were done under manifest and extreme violence, although they may be deservedly condemned upon their own merits. The question, therefore, whether this was really the sentence of the English Church, would seem to admit of no historical doubt, even were we to admit, instead of denying, the supposition, that it was owing to menace in the degree sometimes represented.

73. It is of course a distinct and an ulterior inquiry, whether the English Church synodically assembled was competent, in an ecclesiastical sense, and upon Catholic principles, to come to such a decision. If, according to the general laws of the Church, it was acting within its own legitimate province when the step was taken, then it is quite untrue to say that this

cardinal act of the English Reformation was founded upon private judgment. If, however, it were not so, and if not only the movers of that Reformation, but the national Church, alleged its own sentiment in defiance of any universal decree or consent, then the sentence was one which, however public with respect to the nation and the individual, was no better than purely private with respect to the Church at large, and the whole of the subsequent proceedings are based upon an invalid sentence, and in point of official right vitiated by it.

74. Were then the bishops of England competent to do away with the prerogatives, which the Roman see had long enjoyed within this island? If the Bishop of Rome be by divine right the head of the universal Church, then undoubtedly they were not competent. But if his jurisdiction were one of human institution; if it were originally founded on the allowance of the English Church itself; if the opinion which had prevailed in the English Church that it was of divine origin, were a false opinion; and over and above this, if there were grave reasons affecting religion, which made the continuance of that jurisdiction inexpedient to the last degree; who can deny upon these premisses the right of the English Church to put an end to an authority which, so far as it was just, was founded upon allowance, and which had perpetually sought and gained aggrandisement through usurpations so gross as to be only rendered practicable by equally gross ignorance?

75. True, the Roman patriarch sent Augustine to England; but there was a Church in England already. Let us suppose, however, for argument's sake, that there was no episcopal jurisdiction in England before Augustine; and set aside the obvious fact, that its possessors needed not, unless they had pleased, have placed themselves in subordination to Rome. The metropolitan of Canterbury has within the present century sent bishops to Calcutta, Madras, Bombay. Now, if in the course of years serious questions were to arise, of claims to an absolute and vital control of their whole ecclesiastical system, urged on this side the water and refused on that (I call them claims only, and not corruptions), and if, in the mean time, an episcopal college should have been organised in India, as has indeed been the case already, is it not clear that the Indian bishops would be the parties ecclesiastically competent to judge whether the jurisdiction of the English metropolitan should or should not be continued among them, to this extent at least, that if they determined in the negative, whether their act might be wise or unwise, safe or hazardous, charitable or uncharitable, yet that still it would be valid? And this is really the question between Rome and the English Church, stated, however, in a manner unfavourable to the latter; except that I have forborne to specify the historical circumstances which make good *de facto* the proposition, that the original acknowledgment of the Roman jurisdiction was voluntary. And I have (perhaps without neces-

sity) assumed on the other hand the principle, that the Bishop of Rome is not by divine right head of the universal Church.

76. It is impossible duly to investigate such a question in the course of succinct historical discussions like the present. And we have no right to claim from Romanists any acknowledgment that our Reformation is founded on other than private judgment, more than such an admission could be claimed from the Transalpine school in favour of the decrees of the Council of Constance. But the sentiment adverse to the Papal supremacy is that of all Protestants; and to such, at all events, it has, even here, been shown that if there be such a thing as ministerial authority in the Church, the abolition of the Roman jurisdiction was the work of that authority. And this sentiment is not held by Protestants alone, but is held in common with them by the Eastern Churches. These bodies compose in their combined aggregate a numerical majority, as is probable, of the whole Christian world.

77. Moreover, the sense of the English convocation was, as it has been contended by our divines, no more than a recurrence to a canon laid down by the Œcumenical Council of Ephesus in the fifth century, which had been unlawfully contravened in the ages preceding the Reformation—a canon enacted in favour of the prelates of Cyprus* against the patriarch of Antioch, to the effect that all churches which had originally enjoyed the power of ordination should

* Bramhall's Vindication, ch. v.; and Perceval's Roman Schism.

continue in its independent possession. This rule seems to have been directed with a wise forethought against the then impending danger of an undue preponderance in a particular portion of the Church, and of the consequent oppression of her liberties.

78. After this statement of the facts connected with the extinction of the Roman jurisdiction under Henry VIII., I proceed to indicate how the title of our present ecclesiastical system to regular authority depends upon them. The key to this position is found in the circumstance, that the deprivations of Romanising bishops under Elizabeth, which preceded the consecration of Parker, were grounded exclusively upon their refusal to recognise the ecclesiastical supremacy of the Crown, which had been synodically established under Henry VIII., and never removed by a judgment of the Church. It had, indeed, been destroyed by Act of Parliament under Mary; but this act had been repealed by the very same authority under Elizabeth, and the supremacy legally restored, though in a mitigated expression. It was not on account of any refusal to obey the Act of Uniformity, or of an adherence to the Romish opinions, that the prelates were removed in 1559; but it was because they refused to acknowledge a principle which the Church had regularly and lawfully adopted. I do not mean that no other reasons were in the minds of the parties concerned, but that this is the adequate and full justification of the measure according to ordinary ecclesiastical rules.

79. It is quite unnecessary to encumber this argu-

ment with a discussion upon the merits in detail of the particular measures of reformation adopted in the reigns of Henry and of Edward. The Bishop's Book and the King's Book, the first and the second Liturgy of Edward the Sixth, with the forty-two articles of the same reign, are to us as though they had never been, so far as respects any bearing upon the ecclesiastical title of our present settlement. They passed away in succession, and at the accession of Elizabeth all was to be done afresh. Had Cranmer and Ridley promulgated a Socinian Liturgy and Articles, the circumstance need not in the slightest degree have affected the basis on which the acts of the subsequent reign are founded. But the question respecting particular acts, were it needful to open it, at the least looks both ways. For example: there was a statute of Mary, which, without any act of the Church, repealed the laws against the compulsory celibacy of the clergy, and for the communion in both kinds, which were founded expressly and immediately upon synodical acts. The same course was pursued with respect to the regal supremacy. The national Church was not consulted upon the subject, and its decision was reversed by a mere act of the civil power.

80. Queen Elizabeth came to the throne in November, 1558, and her parliament met in the first year of her reign, when the Acts of Supremacy and Uniformity were passed. In the summer the oath was tendered to the bishops. At this time, of the twenty-six sees of England, nine were vacant by the deaths of their possessors under Queen Mary (four of whom,

however, appear to have been intruders). Two more by the flight of their incumbents.* Of the remaining fifteen, one only took the oath, though of the rest, some had written in defence of a much more rigid form of the doctrine of supremacy, and others had assented to it. Fourteen† were deprived for their refusal; of these, however, six, at least, could not be regarded as canonical bishops, three having been intruded into their sees upon the ejection of the legitimate occupants,‡ three more holding from the Pope, which of itself made them usurpers according to the laws of the Church of England. So that the otherwise lawful bishops, who were deprived for refusing the oath, were a small minority of the whole English episcopate, being eight only, out of twenty-six sees. It would, I apprehend, have been perfectly competent to Elizabeth to procure the consecration of seventeen bishops, making, with the conforming Bishop of Llandaff, eighteen, friendly to the supremacy, and thus to have procured the ejection of the residue by their means. But however numerous the recusant prelates might have been, it is to be maintained that she would have been ecclesiastically justified in removing them, upon the ground that the test which she actually proposed to them was strictly in conformity with the regular decision of the Church of England under Henry VIII., which had at no time during the intervening eight

* Heylin's History of the Reformation, p. 286. The nine were Canterbury, Salisbury, Oxford, Hereford, Bristol, Bangor, Gloucester, Norwich, and Rochester. The two, Worcester and St. Asaph.

† Lingard, vol. v. Note H.

‡ York, Bath, St. David's; and Lincoln, Carlisle, Peterborough.

and twenty years been reversed. So that they properly made way* for the consecration and appointment of those successors, who came in with Archbishop Parker.

81. I believe that if the validity of these deprivations be established, the adversary will hardly attempt on any other ground to assert that the Elizabethan Reformation was not founded on, or ratified and accepted by, the authority of the national Church. With respect to the Articles of 1562, it is notorious that they were framed in a regular synod. One clause, indeed, respecting the authority of the Church in controversies of faith, was not in the copies which came before Convocation.† But this, at least, was as fully accepted and as strenuously maintained by the rulers of the Church as any portion of the whole; it was, probably, on this account, that Archbishop Laud was accused of having surreptitiously introduced the words.‡ Burnet notices that they corresponded with others that had previously been in the Fifth Article. They were ratified by Parliament in 1571.§ The language of the statute seems to require that the clergy should subscribe those only which related to doctrine, and not to discipline; but the bishops exacted the pledge for the whole.|| The Liturgy, which had at first been enacted by Parliament, received at subsequent periods the assent of Convocation, and was finally adjusted by it in 1661.

* Stillingfleet's Rational Account, part ii. ch. iv.

† Burnet on Art. xx.

‡ Cardwell, Hist. Conf., p. 21, note.

§ 13 Eliz. c. xii.

|| Hallam, Const. Hist., i. 260; Neal, Elis. ch. v.

82. This historical ground of the catholicity of the English Reformation, which it has here been attempted to describe, seems to have been accurately recognised as the point really at issue in the debates on the royal supremacy at the commencement of the reign of Queen Elizabeth. Scot, the Romish Bishop of Chester, in opposing the Bill in the House of Lords, "takes notice," says Collier, "it is alleged the Pope's authority has been disclaimed by a provincial council of the English bishops and clergy." To this he answers, "that the resolutions of a provincial synod are of no force against the counter decrees of the universal Church."* This, then, is the question really at issue, whether there was any authority of absolute obligation which forbade the bishops and clergy of England to repudiate the ordinary jurisdiction of the Pope. If there was, our pretences and even proofs of succession are in vain; and if there was not, then there is no objection on the score of schism to the validity of the ecclesiastical rule under which, by God's providence, we live.

83. From this narrative of events it should, I think, appear to the satisfaction of all who will take the pains accurately to conceive the point in dispute, that the English Reformation, considered ecclesiastically and with respect to its essence, does not rest upon the foundation of private or personal, but of public, authorised, and official judgment. By the Romanist it may be consistently asserted, that the national Church exceeded her powers, and that separate issue demands

* Collier, ii. 422, fol. ; and Jewel's *Apologia*, pp. 81, 89 (ed. 1837).

its own discussion; but I know not from what premisses, other than his, it can be concluded, that we now stand upon individual opinion, as contra-distinguished from authority, or that proposition which is often scorned, can consistently be denied, that the Church reformed herself.

The private judgment on which the present adjustment of our worship and of our ecclesiastical constitution are grounded, is, I apprehend, as much private, and no more so, than the judgment of the Greek and the other Eastern Churches, when upon several occasions they found good reason to protest against the impositions attempted by the Pope, and finally, in consequence, came into a state of entire separation from his communion.

84. Cranmer then acted, in the changes of which he was the happy instrument, as a bishop of the Church, and as metropolitan of England, with the concurrence or compliance, first, of nearly all, and afterwards of the great majority of his brethren—as one whose especial duty it was to redress abuses and to remove innovations from the faith; and the judgment which he exercised in doing so was not private, but official. It was not the official judgment of a person setting at nought the constitutions of the Church, whose officer he was, but of one recognising, from first to last, his subjection to the principle of Catholic consent. It was no exercise of private judgment for the successors of the apostles in the Church of England to reform it according to the sense of the

earlier time, and for this end to remove the interpolations of the later. If it were so, then surely the Council of Trent likewise was acting upon private judgment when it condemned many widely-prevalent abuses of the actual system of the Roman churches. And much more than either, those popes and others, who introduced erroneous and novel notions, were persons acting upon private judgment. In short, if the lawful and competent acts of the English bishops and clergy are to be placed in the category of individual opinions, it must be on principles which would go far enough to prove that nothing whatever had been done by the Church since the rupture of East and West, except on the basis of private judgment.

85. Such being the case, we are justified in utterly rejecting the charge that the Church of England exists by revolt against authority, and therefore cannot claim herself to possess it. I wonder what would be thought of the man who, in order to vindicate his resistance to the law of the land as it stands, should allege, that the dynasty under whose *fiat* it is administered possess the throne in virtue of the rejection by the Convention of 1688-9 of James II. and his male descendants; that they consequently reign by revolt against authority, and therefore cannot claim themselves to possess it. Such reasoning would not be deemed worthy of an answer: and yet if the historical premisses of this argument be sound, it is less indefensible by much, than the position occupied by such assailants of the Anglican Church as I have de-

scribed. I say less indefensible, because it might be urged with truth, that there was no determinate constitutional title by which the Convention could dethrone or exclude the king; whereas the papal jurisdiction was abolished by the powers historically and formally belonging to the episcopal office.

86. It is in no way requisite to the validity of the present argument, that we should vindicate or approve the royal supremacy as it stood under Henry VIII. If a judge improperly delegates or surrenders a portion of his authority, and consents to give effect in his own judgment to an opinion or a desire which is unofficial, he abuses his trust in that proportion, but his authority is not thereby made void. Indeed if it were so, there could be no such thing as a certain Divine authority entrusted to human administration, inasmuch as the individual organ, being always fallible, must always be liable to err in defining the limits of his province, and may unduly abandon or curtail, as well as unduly add to it. A trust laid upon man by God cannot be declined; and even if the trustee have utterly neglected or perverted its duties, still their obligatory power remains in all its integrity, until the trust itself shall have been abrogated by competent authority. I do not think that the course taken by the bishops under Henry VIII. requires the whole breadth of this apology, on account of the saving clause in their commissions, and of the question which may be fairly raised, whether the very term jurisdiction be not, in its strict and then uniform sense, the exponent of an

idea almost wholly civil. But even those, who judge most harshly of their conduct or their motives, are not therefore warranted in inclining to the conclusion, that the validity of their acts as governors of the Church has been impaired.

87. This, then, forms the outline of the ecclesiastical grounds upon which the English hierarchy must vindicate its claim to be regarded as a portion of the governing body in the Catholic Church, and to exercise the powers which the Redeemer gave to his apostles and their successors. The case of Ireland is providentially yet more simple, as there was in that kingdom a much smaller difference of opinion among the rulers of the Church. It might indeed have been far otherwise; our reformation might have been wrought by the presbyters or the people against the bishops, instead of being wrought by bishops, with the State, against the people, and scarcely with the presbyters. In such a case it would have been upon the whole an act of unofficial and, so far, of private judgment; not of private judgment in substance, because it might still have been with an appeal to the authority of the universal Church, like that of Luther, yet of private judgment in form, because against the mind of the actual and living governors of the Church. It might still have been just, and might have been also triumphant; but it would have been attended with some peculiar difficulties and dangers, from which, through God's mercy, it is now exempt.

88. It is to these distinguishing characteristics of the

English Reformation, much more than to the palpable differences of her ritual, that we must refer the favour with which it met from such men as Grotius and Casaubon when they had become dissatisfied with the ecclesiastical basis of the continental churches;* and the testimonies of writers, not prejudiced in favour of its peculiar idea, to the fact that it was founded upon principles other than those which, whether through necessity or will, finally determined the predominant character of some movements elsewhere. I will cite first the judgment of Chillingworth, the celebrated author of the maxim that “the Bible, and the Bible only, is the religion of Protestants:”—

“Some aiming at an exact conformity with the apostolic times, others thinking they should do God and men good service could they reduce the Church to the condition of the fourth and fifth ages; some taking their direction in this work of reformation only from Scripture, others from the writings of fathers and the decrees of councils of the first five ages; certainly it is no great marvel that there was, as you say, disagreement between them in the particulars of their reformation; nay, morally speaking, it was impossible it should be otherwise. Yet let me tell you the difference between them (especially in comparison of your church and religion) is not the difference between good and bad, but between good and better; and they did best that followed Scripture interpreted by Catholic written tradition; which rule the Reformers of

* Hallam's *Literature of Europe*, vol. iii. pp. 56—63.

the Church of England proposed to themselves to follow.”*

Dryden, when a Romanist, thus described in his manly verse what he thought the still remaining Catholic features of the Church of England :—

Her front erect with majesty she bore,
The crosier wielded, and the mitre wore.
Her upper part of decent discipline
Showed affectation of an ancient line ;
And fathers, councils, Church and Church's head,
Were on her reverend phylacteries read.†

I next cite the opinion of Mosheim, who declares the English Reformation to be

“*Illa veteris religionis correctio, quæ Britannos æquè a pontificiis, atque a reliquis familiis, quæ pontificis dominationi renunciarunt, sejungit.*”

The language of Voltaire bears witness to the same fact. After speaking of the reformed tenets in general, he says,

“*Les Anglois, dans qui la nature a mis l'esprit d'indépendance, les adoptèrent, les mitigerent, et en composèrent une religion pour eux seuls.*”‡

Lastly, I quote the following judgment of Mr. Hallam :—“Those who, with the habits of thinking that prevail in our times, cast back their eyes on the reign of Edward VI., will generally be disposed to censure the precipitancy, and still more the exclusive spirit, of our principal Reformers. But relatively to the course that things had taken in Germany, and to the feverish zeal of that age, the moderation of Cranmer

* Chillingworth's Religion of Protestants, ch. v. p. 82.

+ Hind and Panther, part i.

‡ Siècle de Louis XIV., ch. xxxvi.

and Ridley, the only ecclesiastics who took a prominent share in these measures, was very conspicuous, and tended, above everything, to place the Anglican Church in that middle position which it has always preserved, between the Roman hierarchy and that of other Protestant denominations.”*

89. Let me endeavour to illustrate what has been said by one remark founded upon the subsequent history. Many and painful were the differences of opinion which, existing among the Reformers, more or less from the first commencement of change, in process of time assumed forms more rigid and determinate. Even those among them who declined the excesses of Puritanism and abode in the Church, yet differed upon the questions, whether the true Catholic Church were visible or invisible; whether the Pope were or were not antichrist; whether the clerical habits, which had been customary during the reign of Romanism, ought therefore to be abolished; whether the Church of England had or had not separated herself from the Roman Churches; whether the ministry of those who had been ordained presbyterially out of England, might or might not be tolerated; whether the Roman Churches, after the Reformation, were or were not true Churches. But I can find no trace of that opinion which is now common in the mouths of unthinking persons, that the Roman Catholic Church was abolished in England at the period of the Reformation, and that a Protestant Church was put in its place: nor does there appear to have been so much as

* Const. Hist. vol. i. ch. ii.

a doubt in the mind of any one of them, whether the Church, legally established in England after the Reformation, was the same institution with the Church legally established in England before the Reformation. When Whitgift died, with the memorable words, *Pro Ecclesiâ Dei*, on his lips, the image that hovered before the mind of the aged and faithful primate was no device of the human fancy, no creature of civil law, but a determinate transmitted gift of God, the Church of all times and of all places, to him represented but not limited by its local organisation in England. In short, the spirit of the English Reformation, with respect to the continuity of the Church, cannot be better exemplified than by the words of the *cong   d'  lire* in which Elizabeth empowered the Dean and Chapter of Canterbury to elect Parker to the Metropolitan See,* “*Cum Ecclesia pr  dicta per mortem naturalem reverendissimi in Christo Patris et Domini Reginaldi Pole . . . jam vacat, et pastoris sit solatio destituta*; therefore, it proceeds, we give you our licence as Founder to proceed to a new election; and recommend accordingly.”

90. In Scotland, where the Reformation was late and proportionably exasperated, and where the ancient ministry and worship were not reformed but abolished, and replaced by novel substitutes, the sentiment of the age did not, however, permit men to believe, that the law of Christianity would allow of a variety of Churches existing simultaneously in the same place, or that it was lawful to destroy one Church in order to erect another on its ruins. Consequently, as the

* Strype's Parker, i. 102.

reformed communion was obviously new, its adherents boldly declared that the unreformed communion was not a true Church at all, and proclaimed that the preaching of the Reformers was a kind of renewed commencement of the Gospel dispensation. Consistently with this principle they procured the passing of an Act,* in the year 1560, which forbade the ministrations of the ancient priesthood, on the ground that they had no lawful title to the clerical office.

And so, at a later period, the Puritans, who inclined to separate themselves from the Church in England, were restrained by the belief that it was, though a corrupt, yet still essentially a true Church; and therefore, as their historian states, that they were bound to continue in its communion.† But the teachers of the Church of England, which, from the first, in its collective capacity, recognised the Romish orders, never repudiated the claim of the churches in communion with the Pope before the Reformation to the character of true churches, for the simple reason that they drew their own historical title from the same source.

91. If, then, we are asked who were the parents, within this island at least, of the doctrine of self-attested and self-centred private judgment, it is not easy to avoid replying, that they were the early and, still more, the later Puritans. They were those who, “during the time of persecution and since” (according to Lord Bacon‡), “having been conversant in

* Bp. Russell's History, i. 232. † Neal, vol. iii. p. 52 (an. 1604).

‡ Of Church Controversies, Works, ii. 511.

churches abroad, and received a great impression of the form of government there ordained, have violently sought to intrude the same upon our Church." They were those whose unhappy and morbid, though sincerely conscientious temperament, induced them to require, that, in the regulation of the external regimen of the Church, their own private opinions should be recognised as a standard. On the one hand were the party attached to the ancient ceremonial; next to these were another, perhaps the greatest, portion of the people, who agreed with the Elizabethan settlement, and with whom were the civil and ecclesiastical powers: on the other hand were the Puritans, or extreme Protestants, whose principle in matters of discipline was little more or less than sheer negation of what had formerly prevailed, and who urged their own opinion both against a counter-opinion, equally entitled to respect, and against the authorities of the Church sustained by those of the State.

92. I grant that the form of the requisition was ordinarily for a toleration, at least in name. But on this I remark, 1, that the liberty requested was a liberty, that the opinion of an individual minister might be recognised as a ground for varying the service of the Church; 2, that what we have to lament is not so much the request, as the conduct pursued when the request had been lawfully refused; 3, that this petition was evidently a partial and initiatory demand, because the fundamental notion of the petitioners was, that *all* the particulars of Church government

and order were to be found in Scripture simply, and it is manifest that there was much more in the Anglican discipline that no one could profess thus to find there; 4, that history has proved the truth of this position, inasmuch as, wherever Puritanism gained the ascendant, it rigorously proscribed, as sinful, the Church order which had been lawfully established in England.

93. If it be asked, why the Bishops refused to yield what a portion of their friends required, it is not difficult to vindicate their course in this respect, even upon the single ground, that they held the balances with even hand between extremes, and having already been obliged to wound, for the gravest reasons, the feelings of many of the people, they thought it time to stop when the only plea for proceeding farther was to gratify mere feelings, on the other side, of an opposite description, which the changes already made had tended to pamper and excite. If it be asked, on the other part, what was the justification of those who rent the Church, rather than conform to the existing rites, I am not here either to vindicate or to condemn them, but only to show that their principle and practice was that of individual judgment refusing to be bound by competent authority. They did not stand upon any ground of catholic consent: they did not and could not urge that they were the persons whom Christ had appointed by their offices in the Church to take order in such matters, but they pleaded the command of Scripture, in an interpretation of their own, against

legitimately constituted powers. Lord Bacon says again,* “ Most of all is to be suspected, as a seed of farther inconvenience, their manner of handling the Scriptures ; for whilst they seek express Scripture for everything, and that they have in a manner deprived themselves and the Church of a special help and support, by embasing the authority of the Fathers, they resort to naked examples, conceited inferences, and false allusions, such as do mine into all certainty of religion.”

94. Thus, then, the Puritans were the fathers of the principle of private judgment in its modern sense ; 1, by pleading their individual opinions against rites ordained by lawful authority in the Church ; 2, by founding their justification on individual interpretations of Scripture not limited by any catholic rule. But the exordium of the National Covenant, or Confession of Faith, first subscribed in Scotland in 1580, and again on many subsequent occasions, will afford the most apt and complete illustration to my argument. It runs thus :—“ We all and every one of us underwritten, protest, that after long and due examination of our own consciences in matters of true and false religion, we are now *thoroughly resolved in the truth by the Word and Spirit of God* ; and therefore we believe with our hearts, confess with our mouths, subscribe with our hands, and constantly affirm, before God and the whole world, that this only is the true Christian faith and religion, pleasing God, and bringing

* Of Church Controversies, Works, ii. 521.

salvation to man, *which now is, by the mercy of God, revealed to the world by the preaching of the blessed Evangel*; and is received, believed, and defended, by many and sundry notable kirks and realms, but chiefly by the Kirk of Scotland, the King's Majesty, and the three Estates of this realm, as God's eternal truth, and only ground of our salvation."*

Here a body of persons, it matters not how large, because not authorised according to either the rules or the practice of the Church, enter into a spontaneous compact, and define the Christian religion to be a thing revealed anew to the world by the preachers of the reformed tenets; and as the ground of this assertion they assign simply their own inward conviction by the Word and Spirit of God. This is, as I take it, a pure and a striking example of private judgment.†

* 'The Confession of Faith,' &c., p. 483. Edinburgh, 1810.

† It is likewise very well worthy of remark, that the proceedings of the year 1643, when Puritanism had seemed to gain the ascendancy over the Church, were totally incompatible with any sort of independence in the Church. The Assembly of Westminster was called by an ordinance of Parliament in June, 1643. It consisted of eight commissioners from the Assembly of Scotland (three of whom were laymen), and of one hundred and fifty-one English members (thirty of whom were laymen), all nominated in the ordinance itself. They were to be summoned and dissolved by Parliament; to treat of all matters referred to them by Parliament, and of no others; to have their prolocutor appointed and their vacancies filled up by Parliament; and their differences of opinion submitted to the direction of Parliament. Under these limitations, they were to frame a new constitution, ritual, and creed for the Church of England.—Neal, Charles I., ch. xii.; and Ordinance of June 12, 1643, in the 'Confession of Faith,' &c., already cited. Parliament afterwards appointed the ministers who were to ordain.—Neal, ch. xiv.

SECTION IV.

PRIVATE JUDGMENT ACCORDING TO THE ANGLICAN REFORMATION.

95. Thus, then, while the Reformed Church of England encouraged the free communication of Scripture to the people, and thereby brought their faculties into religious activity, and their personal conscience and responsibility into vigorous life; on the other hand, both by precept and practice, it adhered, in its permanent and cardinal acts, to the rules of catholic consent and ecclesiastical authority, and gave no warrant to the notion of individual opinion, self-witnessed and self-centred, as the right basis of religious belief. I speak here of duties in their ordinary form, and I do not pretend to provide for cases in which such authority has been grossly abused.

96. There is an irreconcilable hostility between this view of the rule of faith and the modern idea of private judgment, according to which it is a kind of impiety to suffer the intervention of any middle authority between the sacred Scripture and a man's own mind. A man is to ask himself the question, Does this appear so to me? but where the matter has appeared differently to the universal Church, is he not also to ask himself the further question, Is it more probable that I, or that the whole Church, should be right? And what should we think or say of one who had never quitted his native place, and who should interpret

the customs of a foreign or ancient nation according to his own antecedent notions of propriety and probability, rather than by the direct testimony of travellers and eye-witnesses, or even of antiquarians and students? It will be said that there is a divine illuminating grace given to the individual believer; so there was and is to the Church; and this great truth, if it alters the relative authority at all, alters it in favour of the Church, and against the private person.

97. Without holding an infallibility in the Church, except as to fundamental truths; and aware of no test by which fundamental truths can be infallibly ascertained; we find that the law of probable evidence is as binding on a rational agent as that which we term demonstrative; not to mention that there must, in the case of human beings, always, even on the Roman theory, be one link in which the infallibility fails to be transmitted, namely, the last, by which the truth has its access to the mind of the individual, through his own perceptions. This law of probable evidence, then, we are called upon to examine, to appreciate, and to follow; and we may think the dictate of reason will be, that we should prefer adopting the *quod semper, quod ubique, quod ab omnibus*, to our own conclusions from the sacred text, where they are at issue with the catholic interpretation.*

* "It may be observed, however, that it ought equally to be accounted the exercise of a man's own private judgment, whether he be determined by reasonings and conclusions of his own, or submit to be directed by the advice of others, provided he be free to choose his guide."—Paley, *Moral Phil.*, b. vi. ch. iii. This is a broader assertion by much than is necessary for my argument.

98. Upon which, however, it is necessary to make these observations:—We do not by such a principle disparage Divine grace and the efficacy of prayer. In truth, our prayers are best approved and answered by our being directed to choose the likeliest means of ascertaining the Christian verity; and, if the witness of the universal Church be the most probable criterion of truth, then in adopting it we shall have the greatest reason to recognise a Divine answer to our supplications. The early Church prayed more and more fervently than we do. In addition it had much of the character and competency of a witness to matters of fact. The doctrines it heard from its founders were matters of fact, contradistinguished from matters of opinion, in that sense in which alone such a distinction ever can be fairly taken. Even granting that the private Christian prays with the whole heart, and maintaining that such prayer will generally bring an easy concurrence in catholic faith, yet, in the cases where the single and the general mind are at issue, we have on each side the fact of prayer, but with the Church we have likewise its function of a witness, and its opportunities as such; and further, the accumulated strength of a concurrence among many witnesses.

99. And again, this is a question wholly independent of that other, What is the voice of the Church? We do not say, even the Romanist does not say, that upon all points that voice has been clearly and unequivocally uttered; but we say that, where there has been such utterance, there we are in reason and duty

bound, inwardly bound, to hearken and follow. That there are such cases there is no doubt. The creeds are examples. There are, again, other intermediate cases where it is presumable, but not clear, what was the testimony of the Church. In all such instances, of course, the argument suffers in its cogency; but it retains a force varying according to the probability that the consenting suffrage of Christian antiquity is given this way or that.

100. Do we, then, reduce private judgment to a mere name or shadow? By no means. First, we have Scripture paramount over all. Next, we have the witness of the Church, never superseding Scripture, but only assisting in the interpretation of it. Thirdly, we have the judgment of private persons, which is by each according to his means to be actively exercised upon Christian truth. Now is this incompatible with unity? Is it blowing hot and cold in succession, to teach, in the same breath, the unity of objective truth in Christianity, and a proper office of private judgment? Then is the apostle open to this reproach, who said, "prove all things," exercise your private judgment; but who also said, "hold fast that which is good," rest in the one authentic, real, and not merely apparent, conclusion.

101. Let us look at the case of mathematical inquiry. I give a *free* assent to the propositions of Euclid;* and yet there is no room for doubt upon them, and it would be an offence against the laws of reason †

* See Bentley's Remarks on Freethinking, § iii.

† In the thirteenth century, when men's intellects were indulged in

to come to any conclusion but one. Yet that conclusion may be perfectly free. Freedom is opposed to force, not to certainty, nor to unity. Otherwise there were no freedom in the universe except where there is ignorance and doubt, and with the increase of our knowledge our liberty would be diminished. God, to whom all truths are absolutely and unchangeably known, is free beyond all creatures, and His service, that is to say, His perfect service, is no less truly than beautifully declared to be "perfect freedom." Now, why is it that no man hesitates to accede to the propositions of Euclid, while many hesitate to adopt the doctrines of the Gospel? Not because the latter are less certain objectively; but because we view the one with an incorrupt and the other with a corrupted faculty. While the freedom of the investigation depends upon the absence of external force, its right issue depends upon undisturbed machinery within; and it is the most miserable of all our human delusions, that we actually require discrepancy of opinion—require and demand error, falsehood, blindness, and plume ourselves upon such discrepancy as attesting a freedom which is only valuable when used for unity in the truth, and which is an evil when wrongly, as it is a good when rightly employed. If, however, on the other hand, the obscurity of religious truth be pleaded as an excuse for differences, it is clear that

every kind of speculation, there were *heresies* in grammar and logic as well as in theology. Archbishop Peckham, for example, had to restrain the doctrine, at Oxford, that "*Ego currit*" was as good Latin as "*Ego curro*." Wood, *Annals*, A.D. 1284.

this plea does but aggravate the fault of those who follow their own worse-informed judgment as preferable to the better-informed and cumulative judgment of others.

102. But even if we set aside these considerations, at least no man will deny thus much, that the human understanding is actively exercised upon mathematical truths; they are then referred to private judgment; private judgment is called upon to perceive and appreciate every step in the process, and to make the whole its own. And, further, we should say, that he who learns them by rote, he who accepts them in the mass, he who does not ascertain the continuity and connection of the parts, has done them and himself but imperfect justice. But the more accurately and carefully he scrutinises each, the more justice he does to them and himself, and the less is it probable that he should entertain a doubt upon any of them. Thus the activity of private judgment, and the unity and strength of conviction in mathematics, vary directly as each other.

103. The purpose for which I have adduced the exact sciences as an illustration is, not to assume that the same degree of certainty is attainable by each of us upon each of the points of religion as in those sciences; but to show, that the association we have most of us formed, under the influence of vicious habit, of these two ideas, activity of inquiry, and variety of conclusion, is a fallacious one. It is owing to our infirmity and vice, wherever such an effect flows from such a

cause. Saint Paul did not allow that it was meant to be so in theology, or he surely would not have desired Christians to prove all things,* if the obscurity of the subject-matter were such that many of them must in consequence fail of holding fast that which was good. Better to receive the truth without reasoning at all, than by false reasoning to lose it; but best of all, to receive, and, by reasoning, to approve and appropriate it.† *Scire melius quam nescire; sed nescire melius quam errare.*‡

104. And why has private judgment been the fruitful parent of nonconformity, and thereby of permanent aberration and laxity? Because, as the Romanists on the one hand had identified it with error, so on the other, men living under generalised Protestantism have been too apt to identify it with truth; or, at least, to go the length of supposing that what is judged by the individual to be true is truth to him, and sufficient for the purposes of the Gospel in him. As the first great movement, which was not for the assertion of liberty essentially or primarily, but for the recovery of truth, was met on the Roman Catholic side rather by the denial of the freedom of their opponents, than by the impeachment of their tenets, and their legitimate refutation; the natural consequence has been an undue share of attention to the assertion of freedom, and a comparative laxity with regard to the

* 1 Thess. v. 21; compare 1 John iv. 1.

† Lord King's Life of Locke, ch. ii. p. 74.

‡ St. Augustine, Exp. in Evang. S. Joan.

claims of truth. And now, instead of fixing the mind steadily on the concurrence of these two conditions, truth and freedom, on both as essential, but yet the latter as subservient, we seem to have absorbed the conception of the paramount in that of the secondary object, studious only in respect to liberty, and resting with infatuated indifference in that state of division, which testifies against us that the Christians of this day are leaving unfulfilled the mind of the Redeemer respecting one of the capital conditions of His Church.

105. And thus we may sometimes read* in the popular productions of the day, that it is vain to look for uniformity in religious opinion, except when the human mind is in a state of stagnation, and that our divisions are in fact our proper homage to the truth. O melancholy and miserable, but also untrue, avowal! Then error is the natural fruit of our mental activity, and we can only have truth by holding it not as truth, by holding it mechanically and not rationally, from compulsion and not from option! Who shall choose between such wretched alternatives? And yet to lose our right is less evil than thus to abuse it. And do we not now abuse it, if we rest content with a state of facts where schism is manifestly chargeable upon some one, without making it the subject of supplication and of effort, that the Church may again be one body, as it was when St. Paul wrote to the Ephesians, and as it was ordained ever to continue? Do we not abuse it,

* Miss Martineau on America: chapter on Religion.

so long as we acquiesce in differences of doctrine upon points ever taught as of faith by the Church, and deal with them as matters of unconcern? But no truth clearly revealed is matter of unconcern; and the main demonstration of our unhealthy condition is not the simple fact that we are divided, but this, that while we know that unity must be a condition of truth, we are so little moved by the manifest want of unity, and by the conclusion which that want of unity establishes.

106. For let it not be said, in the face of common sense, that the obscurity of the things themselves is the real cause of our differences. I indeed readily admit, that were every one called upon to exercise his private judgment to the extent of an intellectual analysis of every proposition in our creeds, there would be so extreme a disparity between a task of this kind and the competency of the human understanding, such as on the average it has been, to perform it, that many differences must be the result. But this is not the case. It requires little of intellectual power to read and understand, that the Church was ordained to be one body and one spirit. It is quite as clear that our present "denominations" witness of us unequivocally, that we are not one body. Here was a precept plain as an axiom of Euclid; and for men to differ on it was scarcely less absurd than it would be if varieties of opinion were maintained in reference to those axioms, and vindicated by a reference to the supposed peculiarities of individual minds.

107. At what point have we now arrived, or, at

least, to what goal does the modern opinion approach? Freedom of assent, simply, is the one thing needful, according to the spirit of recent theories: according to what is now their spirit, and what may soon be their letter. Yes; for in freedom of assent the human pride is fed and gratified, whatever the matter to which assent is given; nay, the inflated understanding has often more delight in assenting to what is plausibly false than to what is true, because the voice of truth is imperative and calls only for submission, but the web of sophistry is our own work; we are not mere recipients, but almost creators of its fictions; and we more proudly adhere to the creature of our own mind than to a truth extrinsic to us, and independent of us, neither owning nor owing to us any obligation.

108. And thus we forget that there is a substantive, changeless truth of God revealed, for which we ought ever to be striving, and of which unity is the essential condition, as well as freedom. Unity is the essential condition of that truth in itself. Free assent is the essential condition of its satisfactory reception, of its reasonable indwelling in us. The Roman Catholic Church suppressed, in her tyranny, the latter of these great laws. The spirit of infidelity, assuming the name and the colours of Protestantism, has equally set aside the former. And now, instead of mourning over our divisions, and labouring and praying them away, we treat them as matters of no moment; we deal with truth as if it had no prototype, but were a

mere image, deriving its origin from each individual mind, and having no higher existence beyond it: we rest in our own defective approximations, or capricious caricatures, as if they were indeed that which God had revealed.

109. Now of these two dangers it may be true that that embodied in the practice of the Roman Catholic Church had made more progress towards its consummation than the other has as yet achieved. But is it not equally true, that the consummation of that other will be far more terrible? For better or less guilty it is to divest man of his attributes, and to prostrate him even as a machine before the throne of his God, however the service rendered to that God be thereby lowered and curtailed, than to educate and expand these attributes for the purpose of turning them, in their maturity and their strength, against Him who gave them, and who can take them away, or can render them as fruitful of torment in their abuse, as they would have been, while used in His service, of permanent delight. In the first supposition we perceive a grievously diminished benefit; but, in the second, there is a creation of positive evil, entirely supplanting and expelling the gracious gift of Christianity.

110. The Christian man, then, although he receives the truth on trust as to its details, and is most blessed in the continuance of a simple and a childlike spirit, and in the voluntary abasement of his own self-will through life, yet is to exercise his private judgment in a degree proportioned to the general capacity and de-

velopment of his understanding, not merely in order to determine whether there is sufficient evidence of a revelation from God, but also in order to be the more fully assured what are the matters contained in that revelation. He is assisted in his inquiries by the doctrine on which the Church of England acts, like the early fathers, that of the sufficiency of Scripture for salvation; so that he is not liable to have matter of faith imposed upon him from any other source. Tradition is not a co-ordinate authority; but it is a witness to the facts of the case, and he, acting in the character of a judge upon his own religious belief, is bound to hear that witness, and to judge, according to the balance of probabilities, whether it is not more likely to convey in many disputed points the mind of God, than his own single impressions, which (by hypothesis) are either altogether new, or, where formerly promulgated, have been authoritatively or practically disavowed. That upon every point, small and great, he must surrender, it is not necessary for the general purpose to contend; but where he finds antiquity and universality combined with fundamentality, the conclusion is inevitable, and, in proportion as he finds the evidence of each of those three conditions, is it plainly legitimate.

111. But perhaps those who love unity may ridicule the whole notion of encouraging a general spirit of inquiry into the ground of the doctrines of religion, and at the same time teaching the duty of unity, of arriving at one conclusion, and that one the ancient

Catholic creed, with any anticipation that such a duty will be observed. And they may point to the state of this country and ask how much unity exists among us. It is a sore question. Our unity is deeply wounded. The abusive and irreverent exercise of private judgment, the forgetfulness of the supremacy and oneness of truth among us, is grievous. We have almost ceased not only to contemplate unity as an object, but to remember it as a duty. The mind of God then is unfulfilled in respect of this great law. May our case soon be otherwise !

112. Who is not aware that nothing is more easy, and that few things can be more plausible, than to show that the simultaneous inculcation of unity and of freedom in religion, is exhortation to that which upon a broad scale never will be realised ? In many particular cases, it is a lawful subject of rejoicing to think, that such a harmony is perfectly or substantially fulfilled. But I plead guilty to this paradox : that I recommend to the mass of men what I know the mass of men never comply with. Abundant ridicule has ever been poured upon such recommendations, as if they were visionary ; nay, as if they were self-contradictory. But let those who thus exercise their powers of intellect or sarcasm beware ; let them well measure the sweep of the sword, and ascertain to what it reaches. The principle at which they jest, is the principle of the whole moral government of God. He has established an unbending universal law of right and wrong. He has placed us, weak creatures,

and even by birth most prone to sin, under that law. He has commanded to us a perfect obedience. He has left us, however, free to disobey. He has done all this, perfectly knowing that no one of us would perfectly obey ; that even with the grace of the Christian covenant no one of us would perfectly obey. And He has made us responsible for every act of disobedience. Therefore, these three mysteriously joined conditions, the freedom of the agent, his moral imperfection, and the perfection of the law, are of His combination, not of mine ; and as such, they neither require, nor in this place admit of, apology. All which has been here feebly attempted is to apply the general law of duty, under which, as human beings, we are constituted, to one of its particular cases, namely, the investigation of religious truth.

113. If, then, this duty be unfulfilled, and almost unheeded, yet is it not ever so, though in various degrees, with all His dispensations? Is not their bloom wasted upon the thankless winds, and their seed upon the barren ground? Was not Christ incarnate for us all; and did He not himself declare, that the many would notwithstanding do despite to His mercy, and would still walk in the broad paths of destruction? Why then should we murmur, or why be amazed, that, while His universal redemption takes not full effect in the purpose of saving souls, so that part of His will which enjoins unity in faith should remain a law precious, indeed, but despised? None of the other moral duties of man (for the cognisance

of truth is a moral duty) are adequately fulfilled; and yet no one would think of meeting this evil by substituting for a genuine code of ethics, which is necessarily indeterminate, a set of mechanical regulations.

114. We are to remember that He has commanded unity, but not unity alone. He has commanded truth, and proof of the truth: the vigorous application of the intellect to the dogmas, the blessed dogmas, of theology, and their firm, tenacious embrace upon the ground of laborious experience and intimate personal conviction. Now we may fairly ask of our brethren in the Roman Church, whether they think the duty of "proving all things" is adequately taught, I need not say practised, in their communion? Whether a mechanical and superficial unity has not been substituted for that unity which has the guarantee of deep and solid convictions? Whether in fear of the abuse they have not greatly limited the use of the human faculties? Whether the free agency of man is suitably considered and provided for in their method of administering the word of God to the people? Whether, in the fear of its irreverent and controversial handling, they do not deprive the mass of believers of much of that sincere milk, which they would receive in innocence and simplicity, and without wandering into the thorny ways of pride and of discussion?

115. Let us adopt, then, and hold in the closest connection, these great principles: the unity of the Church, and of the faith whereof the Church is a part; and the free subjection of that faith to private

scrutiny. It is true that their junction looks like paradox. But it is the paradox of Saint Paul. And though we may not seek paradox for ourselves, neither may we decline its semblance when it is propounded upon sufficient authority, we may not, that is to say, refuse revealed truth when to our imperfect view it seems to bear such an aspect.

116. It will, however, be objected: of what use is it thus to simplify the operations of private judgment by directing the minds of men to the duty of remaining at all events in one communion, when there are now many claimants for the title of the Church more or less exclusive, so that, in order to decide in which of the bodies he finds the nearest representation of the true Church, a man must go into the details of all the particular questions contested between them? No doubt there is a great difficulty here; but who ever heard of a state of neglected duty and of obstinacy in sin, which was to be escaped without difficulty? Perhaps the very uneasiness, which the contemplation of that difficulty creates, is the first step towards a remedy.

117. But however that may be, it is irrelevant to the present purpose, which is to show that there is a precept, plain, broad, and unequivocal, such as none could mistake, which if men had preserved,—thus applying obedience to what was manifest, and waiting in faith for the elucidation of what was obscure,—they would have remained in the way of God's commandments, and in the train of His blessing and illumination. So that private judgment alone was not that upon which

our differences are chargeable, but its neglectful and irreverent use ; nay, in many cases, its disuse, and the following of mere caprice and irreflective passion, under the shelter of its name.

118. Our first step then is, to inquire whether the mind of God, declared in His word, manifestly be that the Church should be one body. It is a subsequent examination, whether the present state of disruption be chargeable on one, or on all, or in what proportions on different communions ; and how we should set about any remedy. That first step, as I allege, will establish a broad truth, which truth will be a natural basis for further operations. In the mean time let us recollect, that the difficulty did not commence with Protestantism. It began, at least, with the Greek separation. The division of the Church, before the Reformation, though simpler, and leaving a larger space of common ground in belief, was as unquestionable as it now is, and had accordingly the same connection with the Apostolic doctrine of "one body, one spirit."

SECTION V.

THE ANGLICAN REFORMATION—CIVIL SKETCH.

119. At least it may be said, the supposed theological doctrine of consent in the Anglican Church has failed to preserve unity even within her border ; witness our actual state in religion. And it is admitted to be true, that the principle has not exercised an universal sway,

and may now even be almost unknown to many, who deem themselves attached and intelligent members of the Anglican Church; still it is by no means clear that this was chargeable upon our Reformation. It seems more fairly attributable to such circumstances as these: the remembered excesses of Romanism through its long dominion, which engendered a jealousy of everything bearing its resemblance; the banishments and contact with Geneva under Queen Mary; the papal bulls, which engendered recusancy under Queen Elizabeth; the association of Puritanism in the seventeenth century with the movement in favour of popular freedom; the political influences of the Revolution of 1688; and, generally, the grand twofold division of Europe, which forbade the existence of a purely intermediate class, and the prevalent sympathy of the general idea and interests of Protestantism.

120. And this brings me to the development of the second leading element in the English Reformation; that element by means of whose active vigour, and hold upon the sympathies of men, the movement in the mind of the Church both more easily took outward form and effect, and was shielded from the dangers that threatened and assailed it from without. This was the element of nationality, which deeply pervaded the changes in religion, and gave them the external shape that they bear in the records of history. For as religion has ever been the determining principle in the national life of England, so the national life could not but exercise the most powerful influence

upon discussions and measures critically affecting religion.

121. Though I do not admit the logical and legitimate connection between the acts of the English Reformation, taken generally, and the doctrine of arbitrary individual judgment, yet on the other hand I am not prepared to deny that such a connection, under the laws of association, was indirectly established in the opinions and sympathies of men. All we are of the belief that the contest was one of right against wrong; but the wrong, against which the right had to contend, was a wrong armed from head to foot. The Pope himself, between direct force and his empire founded on opinion, was no mean potentate; a century later he still dreamed of regaining England by conquest; and at the period when his jurisdiction in this country was annulled, the preponderance of temporal power, independently of England, was with him and against the Reformation. The truth, therefore, struggling to live, had need of secular aid, at a period when miraculous interventions were not to be anticipated. It was requisite even upon the mere ground of defence, that the measures for the reform of the English Church should assume a national figure, and should be sustained by the national power; besides that upon a higher principle the whole nation was, as it were, the moral subject-matter upon which they were to operate, and it was therefore rightfully embarked in their cause.

122. It has often been made a matter of reproach to

this nation, that it, in the popular phrase, changed its creed thrice successively, at the bidding of its temporal sovereigns, and within the space of a single generation. It seems to me by no means clear, that there was more of versatility or less of firm personal conscience evinced in this than in other countries at the time; and it likewise may be thought, that the public events which have been thus unfavourably represented are capable of being read in a very different sense; of teaching, namely, this historic lesson, that the two forces of religion and nationality were then so intimately blended together, that the range of the variations between the Roman and the reformed systems, large as it was, was not able to sever them; so that, instead of a society lacerated and dismembered by the violence of the powers contending within its frame, we had the organisation of our polity preserved entire throughout, and with vigour enough to give decisive predominance for the time to that one of the two contending influences with which it allied itself.

123. Let us now revert for a moment to the double character of the ecclesiastical body in England. We have viewed it as consisting of the divinely-commissioned ministers of the word and Sacraments of Christ; we have also regarded it as an estate of the realm.* In the first capacity, it was paramount, and imparted to the Reformation its ecclesiastical character; in the second, it was subordinate only, and its voice concurred with those of the other organs of the body politic, in

* Chap. vi. sec. i.

giving to the ecclesiastical changes civil and national effect. But the public eye would of course be fixed upon the measures of the period mainly or exclusively in that ultimate and legal form, in which might was (to speak generally) added to right, and in which they became matter of universal concern and moment as being enforced by the powers of the State.

124. In order to illustrate these views, let us look to some authentic evidence in the first stages of the Reformation among ourselves.

The Act 26 Henry VIII. c. 1, which formally declared the Church of England to be independent of the Papal jurisdiction, commences by setting forth the integrity of the realm of England, as proved from ancient documents, in its several and proper parts, "compact of all sorts and degrees of people, divided in terms, and by names of Spirituality and Temporality;" and it proceeds thus: "the body Spiritual whereof having power, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed, by that part of the said body politic, called the Spirituality, now being usually called the English Church, which always hath been reputed and found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath always been thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties, as to their rooms spiritual doth ap-

pertain." It had, however, already been declared in the great act of the foregoing session, that the English Church was not to be emancipated from Catholic rules : " Nothing in this Act shall be interpreted as if the King and his subjects intended to decline, or vary from the congregation of Christ's Church in any things concerning the very Articles of the Catholic faith of Christendom, or in any other things declared by Holy Scripture and the Word of God necessary for their salvation."*

125. If, then, we adopt these public and formal declarations as our text, we shall not find it difficult to draw out into language the general intention and justification of the determining civil acts of the British Reformation. We may conceive the State as entitled to reason thus on its own behalf against the papal claim :

" A manifest dispensation of God has distributed the human race into distinct and independent nations, each of which has a supreme authority in the regulation of its own internal affairs. Within and not without the nation lies the power and the responsibility of ultimate decision. For this end, as respects temporal matters, it is organised with its three Estates representing the great social forces of the community, and has also its sovereign combining and controlling the whole. For this end, as respects spiritual matters, it has its ecclesiastical provinces, its metropolitan and college of bishops, exercising the transmitted powers of the first governors of the Church, on behalf of the

* 25 Hen. VIII. c. xxi.

people; whose deliberations are the proper means for informing the national mind upon religion, and should take effect through the national organs. That unity of movement and of civil authority, which is the first condition of political society, will be secured by the provision that their action shall be liable to such restrictions, as the civil power may find it needful to impose.

“Besides which, the collective power and responsibility, the moral personality of nations (a principle not then drawn into precise theory, perhaps for the very reason that it was assumed as not only fundamental but unquestionable,) in its own nature evidently requires to be associated with the profession of religion. Rulers and ruled are combined as in a family; and on the head of the combination will devolve, in the order of Providence, the chief responsibility for the due adjustment and inculcation of the religion of the people.

126. “But although a nation, compounded of these elements, be thus an integral, fitted for independent self-determined action in matters spiritual as well as civil; although it be therefore, humanly speaking, free, and not responsible to any extrinsic executive authority; although the doctrine be accordingly rejected, which makes the exercise of the essential functions of the Christian Church within this realm dependent upon the will of a foreign Bishop, it does not follow that we are to acknowledge no external law, or to assert an unlimited freedom of

national judgment in the interpretation of Scripture. We still recognise an external law for the interpretation of revealed religion, in the recorded documents that have the sanction of catholic agreement, and in the actual sense of the universal Church. Even so we recognise an external rule for the interpretation of the law of nature, as it affects the reciprocal relations of one people to another, in the general sentiment that has been embodied in the law of nations. A nation would be justly reprobated which should not consent to be regulated by that law within the subject-matter that belongs to its extrinsic relations. Even so in religion. The common ground occupied by all nations, jointly and alike, is that of one body and one spirit, of one faith and one baptism. With respect, therefore, to the fundamental conditions which that unity of the body and the spirit, of faith and baptism, impose, we recognise the authority of united Christendom; and, during the time of its abeyance through disunion, will formally acknowledge it publicly and to our own consciences, and will endeavour to realise it in our practice.

127. "We find that God has appointed, within each body politic, an arbiter, in one form or another, who shall have supreme coercive power over the conduct of individuals. But we do not find that He has anywhere appointed among bodies politic any arbiter, who should have authority to decide ordinarily and permanently upon the acts they may singly perform, or to reduce them to any particular rule. To the personal responsibility of individuals He has super-

added, for the government of their conduct, the sanction of paramount power, in public law, and in the living magistrate authorised to enforce it. To the responsibility of nations He has attached no such additional security, nor has provided any determinate remedy for their durations from right; not as thereby leaving His dispensations mutilated or imperfect, but as declaring their moral competency for general self-government. We go, therefore, as far as He has gone: we stop at the point where He has stopped. We allow the moral responsibility of the nation to the sense of universal Christendom: we abrogate its executive dependence on a foreign head."

128. Now this is not mere theory. The Papal authority of the sixteenth century was indeed differently defined by different classes of its supporters. Some of them did not scruple to declare it directly supreme, even in things temporal: others allowed it a command over things temporal, *in ordine ad spiritualia*. The prevailing idea of the period certainly was, that nations as well as individuals might be coerced in religion; and conquest for the faith was conscientiously avowed as a justifying cause of war. The claim of the Papal See, therefore (and that not in its most exaggerated form), was a claim to be supreme in spiritual matter within the realm of England, with the right to endeavour to give effect to its decrees by temporal and forcible means, in the clear and not remote perspective. This was the pretension, which the civil acts of the English Reformation dared altogether to repudiate.

129. It is not difficult at this day to perceive that the Papal headship, considered apart from the other peculiarities of Romanism (which, be it remembered, had not at that time assumed their final and rigid form in the decrees of a council), was in itself susceptible of being modified in such a manner as to obviate these objections. The far-sighted benevolence of Melancthon enabled him (at the time of the Articles of Smalcalde *) to conclude, that the existence of the Papacy did not offer in itself an insuperable hindrance to reconciliation. History has recorded the immense difficulties, which attended the adjustment of its claims in the empire before the Reformation, and in France down to the reign of Louis XIV. and the establishment of the Gallican liberties. In Austria the yoke was borne for a longer time ; but in the reign of the Emperor Joseph the ecclesiastical law † received a form which it still retains, and in which (to omit all minor and particular reforms) the Papal authority has been rendered subject (not with its own consent ‡) to the condition of the concurrence of the temporal power in order to the validity of its acts. Abstractedly, I should not dare to pronounce it impossible, that, upon such a basis, a Bishop of Rome (did no other obstacle exist) might occupy a harmless or even a beneficial primacy in the universal Church, without either oppressing

* Stahl, *Kirchenverfassung*, ii. 1 ; Collier, ii. 171 (v. 44, ed. 1840) ; and see also Bossuet's *Hist. des Variations*, iv. 39.

† Count dal Pozzo's translation from the *Ecclesiastical Law of Austria*, p. 114.

‡ Stahl, *Kirchenverfassung*, iii. 1. p. 105.

and nullifying the apostolical jurisdiction of the Bishops, or impairing the lawful prerogatives of the Sovereign or the action of the State. But, practically, it may be feared, that as such an accommodation was only endured with extreme reluctance by Pope Pius VI., at a period when the Papal power had been reduced to extreme weakness by divisions, it never would have been accepted under infinitely more favourable circumstances, and therefore could not have been made an instrument of maintaining the general unity of communion in the Western Church. At the very least, no such alternative was within the reach or view of Englishmen in the reign of Henry VIII.

130. It would be a gross exaggeration to say that, upon the abolition of the Papal supremacy, the Crown was invested by the Church with all its prerogatives: at the same time there can be but little doubt, that they were transferred to it in a proportion greater than was desirable, and in terms beyond the measure of wisdom. Yet we must not judge this circumstance upon its abstract merits alone; and must also consider its relation to the important question, in what way it was most practicable to introduce certain great and beneficial changes into the popular form of religion, with the least possibility of shock and convulsion in the minds of men. Doubtless there was a deep design of God in that arbitrary and capricious temper of Henry VIII., which tended to tyranny in religious matters over the conscience both of the subject and of the Church. It was requisite in order to educate us. Men had been

so long accustomed, according to the common opinion, to look upwards to the Pope as the centre and fountain of all authority, and to the agency of the Church, as superseding, in great measure, the exercise of their own faculties, and destroying the idea of their responsibility for everything but obedience to its commands, that they had lost, as it were, the capacity of private judgment, while the right of mental activity was in abeyance: like children, placed for the first time on their feet, they could not walk at once, and required a guiding hand. Strange and monstrous as it may appear, in reference to individuals more advanced in their mental education than the mass, it was a natural, perhaps a necessary, accompaniment of the then state of the public mind, perhaps even an essential condition of satisfactory change, that, after the transmarine authority of the Pope had been abjured, there should still have remained within view a power claiming little less than an equal degree of sanctity or of absolutism. And there seems great reason to believe that the ecclesiastical laws of Henry VIII. coincided with the temper of the nation, and were eminently conducive to the peaceful accomplishment of the further reforms made under Edward VI.*

131. The doctrine has been ascribed to Cranmer, that the King, as such, bore both swords, and could create a bishop as well as a civil functionary. At the time of the accession of Edward VI., as Strype informs us, "It was his judgment that the exercise of

* Hallam's Const. Hist., vol. i. ch. ii. p. 143, note.

all episcopal jurisdiction depended upon the Prince.”* It is quite clear from the Catechism† published under his authority, and translated and enlarged, at least, if not written by himself, that such were not his sentiments soon after the accession of King Edward VI., since he here explicitly declares the Divine institution of the Episcopate and the priesthood. We have seen that, in the commission which he took out upon the accession of Edward, the distinction was drawn between the power which sprang from the authority of Christ, and that which belonged to the compound function of Bishops as they stood in the English Constitution: jurisdiction was conferred by the Crown, *per et ultra ea quæ tibi ex sacris literis divinitus commissæ esse dignoscuntur.*‡ These commissions were likewise received by the rest of the Bishops. Tunstal, Gardiner, Bonner, and others, acted under documents far more stringent (to judge from one specimen), in 1535, from Henry VIII. Collier gives an abstract of that which was issued to Bonner. It seems to assign Cromwell’s political occupations as the reason, and even as the only reason, for a subaltern delegation of ecclesiastical power from the Sovereign to the Bishops. I know not how such terms are to be vindicated; but as far as regards the simple fact of the commissions, it

* Strype’s Cranmer, i. 141. Palmer (on the Church, part ii. ch. viii.) vindicates the conduct of that great prelate, under the several heads of charge usually made against him.

† Collier, part ii. b. iv. vol. v. p. 269; Lingard, vol. iv. p. 395, note; Cranmer’s Catechism (Oxf.).

‡ Cardwell’s Documentary Annals, vol. i. p. 3; Collier, v. 180 (ed. 1840); Burnet, p. ii. b. i. (ii. 218, fol.)

seems obvious enough that in times when episcopal acts would have legal force, and would carry the most important civil consequences, it was impossible, on any principles compatible with the good order of society, but that they should be subjected universally to the prohibitory power of the Prince; and if so, it follows that it was clearly requisite, that their taking effect should depend absolutely on his allowance.

132. It has already perhaps been sufficiently shown, that the recognition of a paramount authority, not merely over but in the Church, as belonging to the Crown, was not effected only by those who were most comprehensive in their desires for religious reformation. The leaders in the Marian persecution were men who, as bishops, as peers, and as controversialists, had supported the Royal supremacy. Indeed, nearly the whole stress of the argument against the Church of England respecting the supremacy has relation to the reign of Henry VIII., when the party that afterwards joined the Pope concurred in all the acts which tended most directly to Erastianism. They took out the new commissions of jurisdiction from the King in common with Cranmer, and united with him in annexing the title of headship, without the qualifying words, to the Crown. But they did more than this. In 1539 the influence of Gardiner began to predominate; and the Statute of the Six Articles* was passed, notwithstanding the determined resistance of Cranmer. In 1543 this law was followed up by

* 31 Hen. VIII. c. xiv.

another, which, upon the pretext of animosities and schisms, restricted the reading of the Scriptures, but allowed all persons to read or preach such doctrine as either had since 1540, or as from and after the passing of the Act should be set forth by his Majesty! Further, this extraordinary measure contained a proviso, empowering the King to alter or set aside any part of it.* At this point, I take it, we find the climax of the Erastian tendencies, which, from this time forward, gradually relax and decline.

133. The conception, however, of the regal headship was progressively mitigated, as the necessities of the time would permit. In the reign of Edward VI. its exercise† was divested of the caprice and diversities that had marked it under Henry VIII., and the monstrous anomaly of a lay vicar-general was got rid of. In the reign of Elizabeth the whole theory of the supremacy was softened and reduced; it was represented in its proper light by the change in its appellation from “head” to “governor.” Let it not be thought that this was a casual change without deliberate meaning. “The Queen” (writes Jewel‡ to Bullinger

* Collier, v. 95.

† It has been alleged that the forty-two articles of 1552 were imposed on the clergy without assent of Parliament or Convocation. Unless, however, they are belied by their title, it seems that they had all that was strictly needed in order to give them ecclesiastical validity. *Articuli, de quibus in Synodo Londinensi . . . inter Episcopos et alios eruditos viros convenerat*, &c. Collier, however, argues that they had the virtual assent of Convocation itself. Whether this be so or not, the Bishops had manifestly concurred in them.—Sparrow's Collection, pp. 40, 54; Collier, ii. 325 (v. 476, ed. 1840).

‡ Collier, ii. 432, fol.

in May, 1559) “won’t endure the style of *Head* of the Church of England. She is altogether of opinion that title is too big for any mortal, and ought to be given to none but our blessed Saviour.” The difference in spirit between these two titles is very great. Both imply a supremacy; but headship is supremacy by virtue of original position in the body; governorship is supremacy by virtue of an acquired position and power extrinsic to the body. And the great ecclesiastical enactments of this reign were either reversals of irregular and invalid acts done under Queen Mary, or they were founded upon the preliminary judgment of the Church legitimately assembled.

134. It is, however, neither possible, nor at all requisite for the justification of the Reformation, to deny, that by virtue of the supremacy certain acts were done which had not the regular assent of the Church, and therefore were, when strictly construed in an ecclesiastical sense, acts of private judgment. Such were the institution of the vicegerency, the visitation under Edward VI., the inhibitions of preaching, the publication of injunctions respecting worship and the expulsion of certain bishops, as well as the generality of the proceedings under Mary. It is not necessary that these acts of the supreme power, superseding ordinary rules in deference to the necessities of the time, should be universally either vindicated or condemned. But it is most needful to distinguish them from the cardinal and determining acts of our Reformation, such as the abrogation of the supremacy,

the course of the succession, the reconstruction of the Liturgy, and the settlement of the Articles. Of the former we may admit, that, though public with relation to the law and the individual subject, they were private with relation to the Church. But they were not the fundamental and permanent acts which secured to us the present settlement of religion; and precedents might perhaps be found for them in earlier periods. Still, so far as they went, their tendency undoubtedly was to open a way for the exercise of individual judgment.

135. The English Reformation, then, is to be regarded historically, as having been an assertion by the nation of its own freedom as against foreign control. But in the declaration of its integrality and independence, and in the assumption of the powers of self-direction, there is no vestige of any regard whatever to the private judgment of the individuals composing the nation, in their separate and personal capacity. The question was not even mooted, whether internal differences should be tolerated; and the practice of the day, particularly under Henry VIII., too clearly indicates that it was not deemed a matter open to discussion. It was assumed that the unity of the nation would still continue to provide means for its own maintenance, through its ecclesiastical organs, with reference to its spiritual concerns, as it had ever done by its temporal organs with respect to civil matters, and, on some not unimportant occasions, by a combined action with respect to subjects affecting the

Church. The question between the national faith thus vindicated, and the sentiments of individual subjects, was of a growth nearly altogether subsequent, though speedy and formidable.

136. In this country, we are to observe, the period of the extinction of the papal jurisdiction was not the period of schism. It is historically clear, first, that England rejected not the communion but the jurisdiction of Rome, and secondly, that, in doing so, she maintained the national unity unbroken. There were defections of individuals, but there was no organisation of a rival Church in England until the twelfth year of Elizabeth, when the Pope Pius V. had published his deposing bull: then began the state of schism in this country. The professing Church was no longer one body, but divided itself into those who held with the nation, and those who held with the Pope. But the latter were not cast out by the Church; they went forth at the call of the Roman see. As for the internal schism in the Protestant body, it was hardly perceptible till the reign of Charles I. and the great rebellion; although in a qualified sense it began so early as 1566, and a congregation was organised at Wandsworth in 1572,* yet it may be doubted whether it became formal until after the ejection of the nonconformist ministers in 1662.† It is from about the twelfth year of Queen

* Neal's History of the Puritans, ch. iv. and v.

† In the discussions of 1645, between the Presbyterians and Independents, the former alleged that the Puritans of the "late times"

Elizabeth that we must consider the fractional state of the Christian Church in England, the parallel existence of different forms not only of opinion but of religious institution, as an unquestionable fact.

137. Even therefore with respect to the external form of nationality that, humanly speaking, gave efficacy to the ecclesiastical right by which the papal jurisdiction in England was abolished, we are at once struck by the contrast between the English and the continental Reformations, as respected their several relations to the question of individual judgment in religion. With us the question lay simply between the nation and the Pope of Rome, and its first form as a religious question had reference purely to his supremacy. The nation stood between the Pope and private persons: thus the individual was not at all brought into the foreground, nor impelled to any distinct line in doctrinal matters. But in the cases of Luther and Zwinglius respectively, the first quarrel was by individuals and upon matter of doctrine: as regards the former, and still more as regards the latter, this quarrel had continued for some space of time before the papal supremacy came to issue with the rebellious movement. And then it came to issue not primarily with a nation claiming freedom, but with the religious opinions of particular persons. True, they appealed to the communities in which they re-

though they forbore active compliance, had not separated from the Church—that is, I conceive, had not set up a rival worship. Neal, Charles I., ch. xvi.

spectively lived, and were supported by them ; but in England the question was first national, and then became doctrinal and personal : in Germany and Switzerland it was first doctrinal and private, and then became national, or rather, indeed, political. The idea of private judgment was on the very surface in their cases—it was scarcely within view in ours. Beneath this obvious distinction in the historical forms of events there lay, if the foregoing arguments be sound, one still more momentous. With the continental Reformers the struggle was, for the most part, one between private persons and their Divinely authorised, though then most misguided, superiors in the Church. With us those governors were themselves the leading Reformers ; and their contest was with a power not placed over them by Divine institution, but possessed only of that human and conventional authority which, upon the conviction of its deep, vital, and incurable abuses, they were both entitled and bound to destroy.

138. Yet although even the external form of the English Reformation, that form in which it became subjectively impressed upon the consciousness of the generality of men, did not immediately suggest the question whether private judgment, self-attested, might be adopted as a basis of religious belief and action against Catholic consent, yet it prepared the way for its development.

139. Religious freedom was doubly asserted, by the authority of the Church and by the power of the nation : it was thus asserted in the first instance, not on

behalf of the individual as against all except himself, but on behalf of the nation against all that lay beyond the nation, the nation being presumed to be a free agent before God and man, an individual in the family of nations, and responsible only to the great Head of that family. But while the subtler idea of the concurrence of the Church as the groundwork of the great change lay concealed in the minds of reflective theologians, the conception of brave and strong resistance to corruption, and to foreign domination, was that which lived and wrought in popular opinion. To the mass of men, thus impressed, it was obvious that the assertion of a national liberty must, sooner or later, suggest the claim of individual freedom; that those who had revolted against a more awful majesty and a long prescription, would not be bound longer than force should constrain them, in matters relating to conscience, by an authority which was in form novel, and wholly proximate and domestic. And this is independent of other more direct considerations; of the feverish temper of the general mind, which needed no excitements from without to urge men onward in the career of religious emancipation; of the likelihood, that many must have approximated in their definite opinion of individual free agency to the sentiments that were more speedily developed abroad; and also of the probability, that all who bitterly remembered the previous servitude, all who keenly and enthusiastically enjoyed the privilege of renewed access to the word of God, as well as the baser class that value freedom

only for the sake of licence, must necessarily have entered upon the new state of things with more or less of prepossession against authority and in favour of innovation necessarily colouring their views of their position.

140. All the further stages of the growth of private judgment in England, and of its relations to the State, belong to the history of toleration. Authority was now, through the Reformation, fixed in the national organs, both civil and religious, the former acting on behalf of, and in concurrence with, the latter. The State still attempted to maintain for the Church the unlawful principle of external physical control, though with immediate and progressive advances towards the renunciation of that false doctrine. It has happily been long ago repudiated; and there now remains for the maintenance and recovery of unity, in the interpretation of the sacred Scriptures, only that high and spiritual sanction of religious truth, which is termed Catholic consent, together with the kindred but subordinate principle of the regard which is yet very justly and generally paid by the people to its immediate spiritual guides.

141. It has been shown, I trust, that the English Reformation is indeed responsible for the abolition of constraint from without in matter of religion, but is not responsible for our neglect of the inward obligation to hold, instead of ever-shifting opinion, that body of truth which we have inherited from our Lord and his apostles. I have deemed it strictly relevant

thus to state and vindicate the Anglican doctrine in respect to private judgment, in order to distinguish it from that abusive and more recent theory with which the Reformers are unjustly charged, and which now unfolds from day to day its disorganising tendencies in immediate relation to our subject: and, having done so, I proceed to consider the specific manner in which the historical growth of private judgment in its several significations has affected, does affect, and may hereafter yet further affect, the connection between the Church and the State.

CHAPTER VIII.

THE DOCTRINE AND PRACTICE OF PRIVATE JUDGMENT AS IT IS RELATED
TO THE UNION BETWEEN THE CHURCH AND THE STATE.

SECTION I.—TOLERATION.

1. WE have fully considered* the reasons which appear to give religion a place among the ends and the conditions of good government; and it requires no lengthened argument to demonstrate, that, if it is properly to be included among them at all, then its inclusion in a right manner must be of transcendent importance.

2. Previously to the Reformation, this theory was carried out simply and easily into practice. There was a general recognition not only of the law of external unity in religion, but likewise of civil penalties as amongst the appropriate sanctions of that law. Upon this latter maxim (destitute as it appears to be of support from Scripture or reason) the whole powers of the government became at once applicable to the prevention of schism; it was regarded as in the same category with any other infraction of the public law or peace; and the secular magistrate afforded to the Church his forcible but heterogeneous guarantees for

* Chap. ii.

a security too dearly purchased by a sacrifice of truth and duty, in the supersession of our functions as rational beings with reference to the trying and proving of religious doctrine.

3. But so long as this principle was maintained in its vigour, the general preservation of the external unity remained a natural result; and so long as the external unity was very generally preserved, no serious impediment could arise to prevent governors from recognising their obvious duty, and no less obvious interest, in the maintenance and advancement of religion; embodied as it was, so as to render it apt in the highest degree for the purposes of society and civilisation, in the conspicuous and permanent institutions of the Christian Church.

4. But from the Reformation onwards, we enter upon an era altogether new in respect of the present subject. Here we find springing up by slow degrees two new principles: the first, that of the right of private judgment; the second, that of toleration, which has also been designated by the phrase, "liberty of conscience," namely, the recognition by the State of the claim of the responsible and deliberative being, man, to regulate his religious belief without the biassing and blinding influences of fear from without. Each of these phrases has, I believe, a legitimate meaning, in which each indicates what is both right and expedient; and has also a hazard of attendant or consequent excess, which we now see in no small degree attaining its realisation, and which seems ultimately to involve

results the most destructive both to our individual and our social welfare.

5. Each of them has a distinct province. The question of private judgment respects our religious position exclusively, while that of toleration has its subject-matter in the region of civil politics. The question of free private judgment depends, as has been shown, upon the right or duty of the individual (they are correlative) to try or prove, according to his capacity, the religious doctrines presented to him, and to pronounce upon them for himself. The question of toleration regards the right or duty of the State to assume the function of a judge in matter of religion, and to coerce or incommode individuals on account of the variations in opinion incident to the the exercise of this right of private judgment. The former must evidently be decided by a reference to the principles upon which we are constituted in the Church of Christ. The latter inquires whether the State, in its relations to the subject, is entitled to take upon itself the enforcement of those principles. But the concession of toleration is evidently and naturally consequent upon the admission of private judgment. For where private judgment is acknowledged, the individual chooses on his own behalf; and where toleration is denied, the State, *pro tanto*, extinguishes his free agency and supersedes his choice.

6. Each of them has a legitimate sense. The doctrine of private judgment is a noble principle, while it is understood to assert our obligation individually, and

according to our individual opportunities and capacities, to exercise our minds upon the topics of divine revelation, and strive to assure and realise to ourselves the inestimable blessing of the truth in each and all its parts. It then constitutes in fact, as we have seen, a simple exhibition of the Apostolic precept, addressed to the believers of Thessalonica in the mass;* “prove all things, hold fast that which is good.” Those few but pregnant words both powerfully state and effectually guard the doctrine of private judgment.

7. I have stated in a former part of this work the legitimate argument, as it appears to me, for toleration, which may, as I apprehend, be defined to be the legal or political expression of the right of private judgment; or (in another aspect) liberty of conscience.

It does not imply a recognition of the moral equality† of all forms of faith, or of moral rectitude alike in those who embrace them; but presumes the actual preference of one, and includes the passive sufferance of others. Hence it has become a maxim of late years with some that “toleration is intolerance.” For it implies some judgment formed by the State in the subject-matter; and such judgment, according to these parties, it has no right or competency to form.

8. Further, each of the phrases now before us had an abusive sense and an attendant hazard. Private judgment, as has been shown, becomes a gross delusion, when, in proving or pretending to prove all things, we forget the end of that preparatory duty, namely, to

* 1 Thess. v. 21.

† Montesquieu, *Esprit des Loix*, xxv. 9.

hold fast that which is good. Good ; but how ? good in itself, or good for us ? good in itself, and therefore good for us ; if not for us as we are, yet for us as we ought to be, and as, if we receive the truth into our bosoms, we shall be. We are miserably deluded, and we mistake the nature as well as the limits of our duty, when we forget that the office of private judgment is not, after all, an exclusively or even mainly intellectual office, and that it essentially depends for its right discharge less upon the understanding than the conscience.

9. And the theory of toleration too, however pure in itself, has been associated with a series of consequences not less abusive nor less pernicious. When, from the duty of rigid abstinence on the part of governments from any attempt at the repression of religious error through civil penalties, men have gone on to infer that the State should refrain from the use of due and appropriate, as well as of undue, because unauthorised means, for that purpose ; and when thus, unlawfully arguing from a particular forbearance to general inaction, they further connect with inaction indifference, and with indifference incapacity on the part of government to aid the advancement of religion by a public instrumentality : then indeed the doctrine of toleration becomes not in itself a falsehood, but yet involved with a series of falsehoods so subtle as to be, unless by great care and pains, inextricably interwoven with them, in the common apprehensions of men. The consequence has been, that many modes of think-

ing and acting with respect to religion, private as well as public, are dignified with the name of toleration, which ought to be branded with that of lukewarmness, or of indifference, or even of infidelity. This confusion, however, is likely, within no long period, to terminate; since some among the modern advocates of latitudinarian principles, both in and out of the legislature, have begun of late years to treat with undisguised contempt the very phrase of toleration, as wholly inadequate to carry out their real schemes, while it is no longer needed to conceal them.

10. We most observe, however, yet more specifically, that two very different classes of subjects have been treated, the one erroneously, and the other correctly, as belonging to the question of pure toleration. The principle of toleration amounts, in its proper form, to this, that civil penalty or prohibition be not employed to punish or to preclude a man's acting on his own religious opinions. In the largest extent which can properly be assigned to it, it requires that no privilege or benefit which a person is capable of receiving rightly and of using beneficially be withheld from him on account of his religious opinions as such. All matters falling within these sets of conditions belong to the first class of subjects, and to the pure question of toleration.

11. But if penalties be inflicted upon the holders of certain religious opinions on account of the safety of the State, and because those religious opinions are believed hostile to it, here there may be an error in judgment, or there may be inhumanity, with a thousand

other faults, but there is no direct or conscious infringement of the principle of toleration. Much less is it contravened when privilege or office is withheld, because it is believed that there are in the creed of the excluded person faults of omission and commission, which of themselves disqualify him from rightly exercising the privilege or filling the office. All examples of these latter descriptions (and our history furnishes them in abundance) are inaccurately held to be capable of decision by simple reference to the principle of toleration.

12. They may, however, intermix with the former classes; punishment may be inflicted, or exclusion enforced, from a complex regard to the proscribed creed, partly as a deviation from truth, and partly as a cause of incapacity in the person; or even of danger to the State. In whatever degree the first of these elements may have prevailed, the question becomes one of toleration. Where the latter considerations were predominant, we fall back upon the questions, how far civil government is in its best and proper state a religious function, requiring religious motives and observances, and proposing religious ends; and how far the epithet religious, in order to be practical in its meaning, must be attached to some particular mode or modes of belief or of communion? If we find that government is essentially religious, then we are not guilty of intolerance in shutting out from it those who deny to it that character, either expressly, or by assigning to the term a vague and impalpable

signification, more than in excluding them from parochial benefices. This does not necessarily imply, that such exclusion is always consistent, either with a wise, a just, or a generous policy. With respect, however, to this class of questions, we shall do well to remember the distinction already drawn between political and theological intolerance.

13. Since the subject of private judgment in its ecclesiastical aspect has already been sufficiently examined, it remains to regard its operations as they affect the Church, not directly by influencing the religious character of its members, but indirectly by their bearing on the particular question of connection between the Church and the State: to observe how they lead us through the region of truth, and, by successive stages, into that of latitudinarianism and infidelity; connecting all along even their worst results with the name and pretence of Protestantism. It has been already shown, how the first effect of the Reformation was to establish the national spirituality in independence, by calling home a duty, which had been delegated to a foreign see, and grossly perverted by it. We must now consider the co-ordinate influences of that period in their ulterior effects, and their gradual modification of the union between the Church and the State first by progressively evolving the principles and practice of toleration, and subsequently through the abusive inferences which men have unwarrantably drawn, and which tend to dissociate the principles of civil government from those of religion. We shall

see in succession a long series of changes, each very subtly and invisibly, yet most really, connected, and the entire tissue involving a transition from positive good towards equally positive evil ; bearing, moreover, all the marks of the most comprehensive forecast and design, and of intimate relation to the development of the human character and destiny.

14. Let us trust, that the ominous phenomena have been projected before their time by a merciful Wisdom, in order to arouse us ere we reach that period when the powers of government shall have been made as well as deemed equally incapable, in the matter of religion, with the most incapable of the component parts of society ; when political science shall have become deliberately false to its first principles ; when the State shall be first theologically, then morally, first collectively, then in its separate members, without a conscience. Now is the time when men should halt in their forward march, and consider where they actually stand, and whither their road will lead them.

15. And we shall derive much instruction from further finding, how the later among the above-mentioned processes are blended with a progressive relaxation in the theory of civil government itself ; and how each advance made in the one facilitates a corresponding step in the other ; thus affording the most solemn and judicial attestation to the reality and permanency of those religious principles of government for which we are contending, and showing us how vainly we strive, by devices of our own, against the fixed laws

and tendencies of nature, and of the God of nature, who ever vindicates Himself in our disappointment, when we have presumed to overlook or set aside His immutable commands.

16. Although, however, these are undesirable features of our condition, yet it may appear to some visionary or questionable to speak of the influence of Protestantism upon the principle of union between the Church and the State, as a palpable, and, more particularly, as of late even an adverse power. Under many circumstances it may have been latent; but upon examination we shall find it to have been both direct and substantial. Its character has indeed, at different stages, been very different: at first it would seem to have operated in England in a manner highly favourable to this principle; and we may find that more strict regard has been paid to it, in instances not inconsiderable, by Protestant than by Romish governments. But at the point where Protestantism becomes vicious, where it receives the first tinge of latitudinarianism, and begins to join hands with infidelity, by superseding the belief of an immutable objective truth in religion generally necessary for salvation, at that very spot it likewise assumes an aspect of hostility to the union of Church and State.

17. Of the four senses in which I have shown* that the phrase "private judgment" may be employed, I am in this chapter only concerned with two. Those that bear upon my argument are—1. that in which it

* Chap. vi. § 9, 10.

is a right as against external coercion ; and, 2. that in which it is an abuse as against the morally binding power of Catholic consent and Church authority, each in their several places. Those which I set aside are—1. that in which it implies merely the perfunctory operation of irreflective assent, however mechanically or slavishly given ; 2. that in which it signifies the genuine and active use of the understanding for the appreciation of Divine truth, an exercise which I rejoice to think it was one of the main objects as well as effects of our reformation of religion to promote.

18. The history of the principle of private judgment in England has been in effect the history of toleration. They might have been distinct. The State may disqualify or proscribe where private judgment is admitted ; thus the Romanists of Ireland were placed under severe penal laws after the Revolution, not because it was thought wrong that they should separate themselves from their legitimate pastors in the Church, or right that religious belief should be corrected by coercion, but because their creed was deemed an index of political disaffection. On the other hand, it is possible, that in a country where the State is tolerant, or even where it is indifferent, yet the notion, that individual judgment supersedes Catholic consent, may, notwithstanding, be strongly reprobated. But in England the judgment of the State went along with that of the ecclesiastical rulers. Variance from the latter was, therefore, also variance from the public law, in which their sense had been

embodied. Spiritual and temporal authority stood, from this cause, inseparably blended before the eyes of the private person. He accordingly contended at once for the attainment of two objects, one of them beneficial and the other pernicious; the first, relief from external coercion in matters of faith; the second, emancipation from the obligation of conscience to abide in the unity of the Church. The confused association thus created, has never yet been thoroughly dissevered. The Church likewise reaped, ultimately, her share of evil from this intimacy of alliance and of joint action.

19. In the latter of the two forms of private judgment with which we have to do, namely, as the disavowal of all authority within the conscience, and the substitution of absolute individual deduction from Scripture, it has already been shown to date its existence as a material element in the composition of the religious mind of man from the Reformation, and to have been the offspring of that section of the great movement, which took its stand against lawfully constituted power. In the former of the two senses, in which it signifies the action of the conscience undisturbed by the fear of penal consequences from without, it was indeed a real but a late and tardy growth of the Reformation at large. First it petitioned for existence as a favour, then as a right. But almost before its legitimate claims were recognised, it was publicly advancing others which were novel and pernicious. From the very first there was a mixture, so intimate and subtle

as easily to be mistaken for identification, of a wrongful with a rightful claim ; of a wrongful claim, for each man without respect to competency to frame his religion upon his own interpretation of Scripture, with a rightful claim, not to be punished by the State for so doing. The protracted refusal of the latter contributed, it is probable, to root the former more deeply in the minds of the sufferers. When at length the concession had been made, it was of course employed as a vantage ground from which to push further operations. At the very time when legal coercion was removed, the forms of religious opinion founded on private judgment had begun to claim and to obtain the active aid and countenance of the State.

SECTION II.

HISTORICAL SKETCH FROM HENRY VIII. TO 1688.

20. We have first, then, to consider the period from the reign of Henry VIII. to the Revolution, which was occupied by the struggle for liberty of conscience, and terminated in its establishment, at least in the general recognition of the principle, that theological error and nonconformity were not, as such, punishable by the State, either upon the score of crime or danger ; but only where, by positive evidence, they were proved to be connected with opinions and intentions hostile to the existing social order.

21. In traversing this period it will be required to notice, first, the causes which riveted the bonds of alliance between the Church and the State; then those which gradually so weakened the hands of authority in the contest with private will, as ultimately to compel the abandonment of the ground it had so long and tenaciously struggled to maintain. I do not mean merely the political causes which gradually augmented the force of popular opinion and desire, but chiefly the religious causes connected with the events of the Reformation. Upon the other hand must be noted certain circumstances, which tended, in the outset, to quicken the coercive action of the State, and to procure the continuance of this policy beyond the term which would otherwise have been natural.

22. Let us first, then, consider, in the outset, the first effect of the Reformation on the union between the Church and the State. The remarkable truth, that the question of the English Reformation was eminently and specially national, and was raised as between this island of the free on the one hand, and an "Italian priest" on the other, as it is established by the first events of the crisis, so likewise derives equally remarkable illustrations from our subsequent history. The main subject of contention between the State and the Romanists, or Recusants, as they were called, from the accession of Elizabeth onwards, was not their adhesion to this or that Popish doctrine, but their acknowledgment of an unnational and anti-national head. To meet this case, the Oath of Su-

premacv was framed ; and it was for refusing this oath that Elizabeth deprived so many of those whom she found in possession of the episcopal Sees. It continued to be enforced, avowedly with the intention not of asserting an overruling temporal power within the Church, but of excluding any foreign power of the same description : and, paradoxical as it may seem, the British rulers appear really to have thought that they were not requiring of Romanists anything which should do violence to their conscience in religion when they attempted to enforce this oath upon them. We find, in addition, an authentic evidence, in the very Act of the 5th Elizabeth, chap. 1, sect. 17, of the principle on which it was exacted. The passage runs thus :—“ Provided always, that, forasmuch as the Queen’s majesty is otherwise sufficiently assured of the faith and loyalty of the Temporal Lords of her High Court of Parliament,” therefore the Oath of Supremacy shall not be required of them, nor shall they be subject to penalties for refusing it. Thus their religion was left free, their allegiance being deemed secure.

23. Now let us observe both the fact and the natural inferences. The British Government required of its subjects the renunciation, not of Romish doctrines, but of the ecclesiastical supremacy of the Pope. We must suppose the abjuration of this particular tenet to have been thus exclusively required, because it was supposed to indicate either a political or a religious alienation on the part of those by whom it might be

entertained. If the former supposition be accurate, then it was not the existing Roman Church as a religious institution, it was coercion of the nation and the national Church by a foreign power, the secular ambition of the Papal See, against which security was sought by enforcing the renouncement of its jurisdiction; and we perceive the more clearly how far the idea of our Reformers was from anything like alteration of essence, or the overthrow of an old Church, and the erection of a new one. But if, on the other hand, the foreign headship was assailed as a religious error, connected with other religious evils and corruptions, then the rulers of the nation could only make its renunciation a test of competency for citizenship, because they so strongly believed in the bearing of our religious creed upon our social conduct, and in the union of a religious with a political character in government. For why should a spiritual allegiance to the Pope be inconsistent with a patriotic allegiance to the Crown? Only upon the supposition of a natural and indivisible connection between the two supremacies; in which case it was consistent and logically consequent to make the ecclesiastical unity an essential condition of that which is civil.

24. Not that it was intended to be implied, that all the differences subsisting between the communions, except the acknowledgment of the Papal headship, were matters of slight account; but it was rightly assumed, that they were questions which the national Church and the nation would be competent to decide

for themselves, when once they were secured from foreign interference. If, however, we put to ourselves the question, why was the tenet of supremacy made the Shibboleth of the Anglican Reformation throughout? I believe we can find no other answer than one of these two: first that its object was not to concentrate Church power in the Crown, but to erect on behalf of the Church, and by means of the Crown, an effectual barrier against foreign force; secondly, that it was rooted in the deepest conviction, that national religion is the vivifying and ennobling principle of all national life. The truth, as I believe, partakes of them both. The policy of the State claimed for the nation, exemption from external force; for the Church, competency to determine in matters ecclesiastical, without subjection to any living executive power; and, thus, while a single course of action sufficed for these two designs, the effect was to blend and incorporate the distinct offices almost in one conception; and while it preserved the element of Catholicity in the Church, to quicken that of nationality in the Establishment. Thus, then, we find the first movements of Protestantism in our own country to have been towards the fuller development and the stricter application of the principle of a religious conscience in Government, not towards its relaxation.

25. The enormous aggrandisement of Papal prerogative had accumulated a mass occupying so large a space, that the void, which it left when swept away, required to be filled at least by a partial substitute. The

insular nationality of the English people, as well as the increased pre-eminence of the Crown during the sway of the Tudors, prepared them to recognise that substitute in their corporate head. This substitution had good and had evil effects. The good were these : first, that, humanly speaking, it saved the constitution of the Church from convulsion, a religious blessing outweighing any attendant disadvantages ; secondly, that it greatly softened the transition to the public mind ; thirdly, that it placed the Church in an attitude of harmony and active co-operation with the State ; fourthly, that it impressed the State with a deeper sense of responsibility for the welfare of religion, than amidst the rapacity of the period it would probably have otherwise retained. The evil effects were, that it exposed the Church inwardly to the silent but habitual contact of secular motives ; that it predisposed a portion of her members to Erastianism ; that it tended to continue the confusion of the distinct natures of ecclesiastical and civil sanctions ; that it coloured the administration of the laws affecting religion with extreme severity ; that, occurring at a period when the most arbitrary conceptions of the prerogative prevailed, it made the Church partner in the unpopularity which sooner or later was sure to ensue ; that she came to lean, at least in appearance, more on the arm of the magistrate than on her own inward and moral power ; that she realised more sparingly the results which might have been gained by a spiritual treatment of spiritual matters ; and that, when the

external support was removed, it required a time for her to learn how to dispense with it.

26. Thus, then, both because the administration of religion was recognised as properly lying within the nation, did it especially become the care of the head of that nation, who previously was, though with some distinctions and exceptions, one of many members, all extrinsically ruled; and also because the Sovereign stood as heir-general to the Pope in many of the prerogatives which he had so abusively exercised, he stood likewise, in the popular view, and that in no narrow or feeble sense of the term, the visible ruler of the Church of England. After the abatement in this style, at the commencement of the reign of Elizabeth, a substantial power remained, clearly exceeding the simple notion of external control; and it is but just to say, that, during four reigns, those of Edward VI., of Elizabeth, of James I., and of Charles I., the duties of that office were discharged, if not with an unvarying purity or wisdom, yet, at least, under a general conviction, that the active care of the Church was among the most momentous duties of the Sovereign, as well as in dignity the first; and with a disposition to regard her welfare as second to no secular object. The supremacy ascribed to the Sovereign went to render the duty of interposition with the religion of the people, on the part of the government, more determinate, and to concentrate as well as to exhibit the obligation. A function formerly resigned to a foreign power had been, on account of its abuse in that quarter,

called home to its natural depositories; and those who had so resumed it, with their successors, showed themselves earnest in its discharge. And it was still expressly discharged as towards, not any new or purely national creation, but the ancient and traditionary Church. So speaks, for example, the brief of Queen Elizabeth, “*de executione judicii versus Johannem Peters et Henricum Turwest, hæreticos combustos,*” in 1575. “*Nos igitur, ut zelator justitiæ, et Fidei Catholicæ Defensor, volentesque Ecclesiam sanctam ac jura et libertates ejusdem et Fidem Catholicam manutenere et defendere . . . vobis præcipimus,*” &c.

27. And had not Protestantism, in other shapes, made further advances; had it been in the nature of man to be content with vindicating the truth, by the joint appeal to Scripture for authority, and to Catholic antiquity for attestation; this lively and intimate relationship between the Sovereign and the Church of the nation might have remained effectual for all the purposes of good, and shorn of those tendencies to excess which were bequeathed to it as remnants of the antecedent slavery of the national Church under a Roman head. But that activity of the individual mind, which began well by restoring man to the condition of a free agent in spiritual things, and thus bringing him up to the level of his responsibilities as a spiritual creature, ran out into excess when it dwelt so much on private liberty, that, even when not asserting propositions directly false, it nevertheless engendered a temperament most favourable to falsehood, by

fixing men's attention on the possession rather than the end of freedom.

28. I will mention, first, such of the causes tending to weaken, in course of time, the principle of religious coercion, as were collateral or incidental.

First; the prerogative of the Crown had reached its zenith in the resolute hands of the Tudors, whose career of aggrandisement was facilitated by the destruction, in the protracted civil wars of York and Lancaster, of so large a proportion of the ancient nobility. The English character has a genuine love of freedom; but it is scarcely less desirous of an energetic administration of public affairs. The latter compensated under Elizabeth for the want of the former; but when under her successors the claims of the Crown were extended as its executive vigour decayed, both these causes combined with the growth of knowledge and of commercial enterprise to rouse that spirit of resistance which reached its crisis in the great rebellion, and that spirit of freedom which, even amid the fervid and perhaps slavish loyalty of the time of Charles II., notwithstanding, so greatly enlarged the personal securities and ameliorated the civil condition of the people. And although the commons were more than ready to make large freewill offerings to that disgraceful monarch, yet they were not inclined to countenance the excesses of prerogative. Accordingly, that energy of the Crown, as a governing and controlling principle of the body politic, which was (must we not say?) providentially prepared to

meet the exigencies of the Anglican Reformation in the sixteenth century, progressively declined until the Revolution, since which period it has lost all power of aiding the Church by coercion, and is now indeed contending on the defensive for the simple maintenance of its own religious capacity and profession.

29. Besides these influences, which had their root elsewhere, we should note some incidental circumstances attending the Reformation itself. From the time even of Edward VI., a sympathy and correspondence with the Calvinistic Protestants was established. In the reign of Elizabeth, policy or necessity, more than inclination, induced the Crown to lend material aid to the party of the Reformers in Scotland, in the Netherlands, and in France. It was exceedingly difficult to attach a religious idea to punishments inflicted at home upon persons merely chargeable with endeavouring to introduce into England the very usages to which the Queen was granting her direct aid on the Continent and beyond the northern border. There had ensued, too, upon the Reformation, the claim of hospitality for the exiles on account of religion. Hence foreign congregations were organised in England with their peculiar discipline (which were regarded with jealousy by the bishops). These became both an actual instrument* of leading men to the continental mode, and a plea in the mouth of those who craved indulgence from the law.

30. Another important though still external change

* Burnet, part ii. ch. i. (i. 154, fol.); and also Neal.

was, that the regulations of discipline and worship began to proceed from a new authority. When, under the persecution of Mary, a portion of our Reformers had imbibed on the Continent those peculiar views of discipline, which distinctively characterised the Swiss Reformation; and when this temper, exaggerated as it was by national tenacity (for the opinions of Martyr and Bucer, representing the continental Reformers, had been in favour of conformity), manifested itself in a determined resistance to the clerical habits retained by the rubric as it was adjusted under Elizabeth; provision was made, as is well known, for the enforcement of the obnoxious regulations, and after much vacillation they were adhered to and established. Now it is quite true that civil penalties followed upon the disobedience of the ministers to ecclesiastical regulations. The secular arm was still invoked, and its aid was afforded to Church authority. But while the imposition itself remained arbitrary, as it had been in the days of Romanism, and the right to coerce was not merely asserted but also exercised, yet it underwent an important change by shifting its ground. It was now no longer, by an authority immediately and necessarily divine, that matters of discipline or otherwise were adjusted in the Church, but by royal command, a command regulated very much, it is true, by episcopal influence, yet in its nature mainly civil, and professing to be promulgated for the sake of order and expediency, and with a view to present circumstances.

31. In the “ordinances” or “advertisements” of the year 1564,* (though even these were deemed too stringent for enforcement in the then temper of the Queen’s council,) we find the following passage:—

“Not yet prescribing the rules as lawes equivalent with the eternall worde of God, and as of necessitie to bynde the consciences of her subjects in the nature of the said lawes, considered in themselves; or as that theye shoulde adde enye efficacie of more holynes to the mynystration of praier and sacraments, but as constitutions meere ecclesiastical, without anye vaine superstition, as positive lawes in discipline, concernynge decency, distinction, and order for the tyme.”

Thus, while the right to enforce was still asserted, it was not only deprived of the aid of superstition, and divested of its sacred character, but it lost first its moral authority, then excited continually increasing resistance, and at last was surrendered as an impracticable notion.

32. The third cause of weakness in the coercive principle is, therefore, the descent from a religious to a civil sanction in respect of those regulations of external discipline in the Church, which were to take legal effect. Not that there was here necessarily involved on the part of the Church any dereliction of her appropriate authority; it might still be competent to her to enact laws of church discipline, as a Church; but, as a national establishment, she required the edict of the sovereign to give them force. The difference,

* Strype’s Parker, Appendix.

however, was an obvious one in the face of the country, and it was a descent from higher to lower ground ; a descent less conspicuous at the time when it took place, from the severe and arbitrary tone of civil government during the reigns of the Tudors, than it afterwards became. But the authority of such rules having been once ascribed to a power mainly political, of course became the more subject to deterioration as the idea entertained of that power became lower and more familiar.

33. I have already noticed that the judgment of the Church of England against the papal jurisdiction, taking the form of a national act, and followed up by a series of national acts, presented to the popular mind an aspect in which the idea of authority was less prominent than that of power. Even those, therefore, who most strenuously contend for the real Catholicity of the Anglican Reformation, must allow that it wore an apparel not essentially, though it was circumstantially, distinguished from that of the same change in other countries. Particularly when the puritans began to controvert the legitimacy of the power of bishops, it followed, that they at least could not look back upon the great acts of the Reformation as having derived their ecclesiastical validity from the concurrence or compliance of that order. And the proceedings which followed upon the new settlement came to be so mixed up with the foreign politics of the country, that many were content to regard it in no other light than as a contest of force, many as a struggle merely for our

own national opinion, many as a revolt against that Church authority which had formerly absorbed every other, and left the common mind hardly competent to conceive of it as residing in a different quarter.

34. But there was a cause more intimately and nobly connected with the Reformation itself than the abusive and schismatical perversion of private judgment, which immediately began to introduce mitigations into the ancient principle of coercion for religion. When the Scriptures had been put into the hands of the people, when the service had been translated into the vulgar tongue, when measures had been studiously taken to secure constant and universal preaching, an invitation had practically been given in the most urgent form to Christians in general to exercise their understandings upon the truths of religion. I do believe that from this time forth there was a latent sense of the truth of the position I have elsewhere endeavoured to establish, that the region of the higher faculties is essentially unfitted for the systematic application of force, that compulsion belongs to our lower nature, and becomes revolting, as well as impracticable upon any large or effective scale, when we have excited into vigour and activity those organs of the human mind, which have given to the species so high a rank in creation. And further. The Reformation induced the habit, on the part of those in authority, of proving from Scripture, after the manner of the Fathers, what they inculcated on the people: may we not reasonably consider, that such a practice would

speedily lead to a consciousness, that the word of God had not recorded the gift of coercive powers as a part of that commission to the Church, which was to endure throughout all ages?

35. Be the reasons what they may, I think the fact at least must be evident, that the principle of persecution began to be limited and relaxed long before the hands of civil authority had been weakened, or any extrinsic obstacle opposed to its exercise. Our rulers went to war with heresy and nonconformity, undoubtedly, in all their forms, after the Reformation, by the suppression of all rival worship, by the infliction of fine and imprisonment, by the imposition of the oath of supremacy, and in the extreme cases, even by burning alive. But they were using weapons unsuited to their character and position, and not upon the clear and broad, though false, principle of the Romish proceedings against heresy. They did not so go to war with schism, as did the papal power with the Reformation of Italy or Spain. We do not find that they ever adopted the unlimited maxim of persecution for religious opinion. It is the mere cant of controversy, or dogmatism of ignorance, to say that Protestants and Romanists persecuted alike, as each gained the ascendancy. It would, on the other hand, be not less illiberal to deny that Romanists could better palliate persecutions on their distinctive principles, than we on ours. I mean, on the principles of infallibility and of a standing executive unity in the Church.

36. In proof, however, of the fact, that the principle

of persecution was at once shaken, and then progressively relaxed, I appeal to the very case which has often been quoted on the opposite side, the case of Joan Boucher, who was burnt as an Anabaptist in 1549, by the authority of Edward VI., and at the instance of Archbishop Cranmer. Even in the proceedings on the case of this unhappy woman, I assert that we may discover that a distinct approximation had already, though, perhaps, unwittingly, been made towards the recognition of the right of private judgment. For the ground on which she was put to death was, that, disbelieving the advent of the Redeemer in the flesh,* or the doctrine of the Incarnation, she had thereby apostatised from the foundation of the Christian faith. On the same ground Van Paris, a Dutchman, was burned two years later for denying the Divinity of Christ.†

37. Of course it is not meant to adduce such a circumstance as a vindication of the proceedings; but it is very worthy of remark, that, thus early in the history of Protestantism, penal infliction for the sake of religious opinions, affecting life, should have been limited, at least by implication and in practice, to cases where a denial of fundamental truth is involved, and not maintained to be applicable upon the simple ground of disobedience to the declaration of the Church as a positive law, whatever the magnitude or minuteness of the subject-matter. Thus the range of persecution was at once very greatly narrowed, a stage

* Collier, ii. 4 (vol. v. p. 385, ed. 1840).

Neal, vol. i. ch. ii.

preparatory to its ultimate disavowal and discontinuance. And we find here that disposition to make unity more a matter of moral and less of positive obligation (to use the terms in the sense of Bishop Butler), to refer more to the substance of the truth itself, and relatively less to the voice of the Church as its visible organ, to remove all that is intermediate between the objects of faith and man as its recipient; which has all along been so characteristic of Protestantism, and which in its later stages has passed into gross excess.

38. The same remarks will apply to two more persons who were committed to the flames in the reign of Queen Elizabeth in 1575, and also to the cases of two Unitarians,* one of whom likewise declared himself to be the Holy Spirit, and who were burned under James I. in 1612.† The motive of the execution of the two former is declared in the writ to be the prevention of the contagion:—“*ideò tanquam oves moribidas a grege Domini, ne subditos nostros suis contagionibus inficiant, ejiciendos et eliminandos fore.*”‡ A third was condemned under James to a similar fate; but the king confined him for life instead of executing the original sentence: a substitution equally serving the purpose of prevention, and thus evincing the view with which the infliction of the horrible and cruel

* Lingard, vi. 156 (4to), ch. iii.

† See also the case of Paul Best, in Neal, Charles I., ch. xvi. Three more persons were burned under Queen Elizabeth.

‡ The writ appears to have been of the form used in the beginning of the fifteenth century. Tyler's Henry V., ii. 402, note.

penalty had been continued. These instances must be set side by side with the practice under Romanism in order to institute a correct comparison. Now, a recent historian, Bishop Russell, records that a Scotchman, named Straiton, was burned in 1534, for denying the right of ecclesiastics to tithes;* and the Statute of the Six Articles,† enacted by the influence of the Romanising party under Henry VIII., condemned to death, upon a second offence, all those who should oppugn either monastic vows, or the celibacy of the clergy, or the communion in one kind. The law, indeed, was mitigated more tardily than the practice under it and the general opinion. It was only by a statute of the twenty-ninth year of Charles II. that the writ *de hæretico comburendo* was abolished; but it was never used in England after 1612.

39. There are, however, three observations which may be offered, as objections to this position. First, it is contended by Dr. Lingard, that under Edward VI., Cranmer, besides burning the Anabaptist, was preparing to burn the Romanist at the stake.‡ Secondly, the fact cannot be denied, that several puritans were put to death in the reign of Queen Elizabeth. Thirdly, it is very commonly contended, that the ministers and members of the papal communion, who suffered during her sway, to the number of nearly two hundred, lost their lives on account of their religion. Let us consider these points in succession.

* History of the Church in Scotland, vol. i. p. 141.

† 31 Henry VIII., c. xiv.

‡ Lingard, vol. v. ch. ii. p. 81 (4to).

40. Upon the first,* Collier interprets the *Reformatio Legum* as importing, that heretics generally, when excommunicated, were to suffer death by the law. Burnet asserts, that capital punishments were wholly laid aside. Neal seems to argue that they were given up, from the circumstance that they are not mentioned, while other and minor punishments for heresy are specified. Mr. Hallam observes, that the term heresy includes all forms of dissent from the national faith; that "Arianism, Pelagianism, Popery, Anabaptism, are all put on the same footing." He concludes upon the whole, though with much difficulty, "that the temporal punishment of heresy was intended to be fixed by Act of Parliament, and probably with various degrees, which will account for the indefinite word *puniendus*."†

41. It may be impossible to define, to what precise extent it was intended to reserve the power of inflicting the punishment of death for heresy. But the difficulty which attaches to the interpretation of this project of law, is surely cleared up by the practice of the reign of Edward VI., at least so far as regarded the adherents of the Pope. Why did Craumer need to "prepare" a code for the purpose of burning the

* Collier, ii. 4 (vol. v. p. 380, ed. 1840); Burnet, part ii. p. 198; Mackintosh, History of England, ii. 272; Todd's Life of Cranmer, ii. 334; Blunt, Hist. Ref., ch. xiii. p. 313; Neal, vol. i. ch. ii. p. 37; *Reformatio Legum, de judiciis contra hæreses*, c. 10.

† "Cum sic penitus insederit error, et tam altè radices egerit, ut ne sententiâ quidem excommunicationis ad veritatem reus inflecti possit, tum consumptis omnibus aliis remediis, ad extremum ad civiles magistratus ablegatur puniendus."—Ibid., c. 4.

Romanist, when he had the writ *de hæretico comburendo* already at his command? Why did he not call the powers of that writ into exercise during a period of between six and seven years, if he really intended to employ it? Or why did he trust to an instrument comparatively so cumbrous as the common law (for capital punishment, I believe, by the common law could only follow conviction in a provincial synod or convocation)? And why did not the State under Edward replace the statutes against heresy at once with others conformable to their own views, instead of repealing them without substitution? Why did Mary's government, on the other hand, proceed to re-enact them within a fortnight after the re-union with Rome?* It must be recollected, that her brother's reign was distinguished by extensive and dangerous risings of the people, occasioned in part by the grinding oppressions of the impropiators, but in part likewise by the changes in religion, and everywhere connected with demands for its restoration to its ancient state. The commonalty of fifteen counties were simultaneously in arms; in Norfolk, Oxfordshire, and Devonshire, the revolvers were formidable and obstinate; great numbers perished in the field, and many likewise by the hand of the executioner. How came it, upon the supposition that it was intended to correct Romanism by the sword and the stake, that its tenets were not so visited in one single instance at a period

* November 30, 1554, the re-union took place; December 12, the bill of re-enactment was introduced; December 16, it passed.

when they had become not only the real cause, but the very pretext and war-cry of rebellion?

To me, therefore, it seems clear, that whatever legal powers it may have been intended to reserve, it was the intention, as well as the practice, of the Reformers under King Edward, that Romanism should not be capitally punished, and that the forfeit of life should be restricted to a narrow class of errors in religion; namely, those held to destroy the foundation of faith.

42. I now come to the second allegation. Udall was condemned to death in 1590, upon the verdict of a jury, for a pamphlet attacking the bishops in very violent language. "The judge gave it for law," says Neal,* "that they who spake against the Queen's government in causes ecclesiastical, or her law's proceedings, and ecclesiastical officers, defamed the Queen herself." The sentence was not executed, but the offender soon after died in prison of a broken heart.

Barrowe, of Gray's Inn, and Greenwood, a minister, were executed in 1592, under the same statute,† for seditious libels; they had been found guilty by the verdicts of juries.‡

In the same year, Penry, a Brownist, was executed on account of a petition discovered in his possession, which he intended to deliver to the Queen, and which was held to be a seditious libel.

After this, it was thought more expedient to banish, than to inflict capital punishment.

43. It is impossible even to palliate these cruel and

* Hist., i. ch. viii.

† 23 Eliz., c. ii.

‡ Neal, i. ch. viii.

also (one would suppose) impolitic proceedings, further than by observing that there were cases about this period in which religious fanaticism was so directly and inextricably mixed with the spirit of rebellion, as to excite in the government the greatest jealousy of all tendencies towards the same association, especially in an age accustomed to take cognisance of words with a judicial severity, now only and not always applied to overt actions. Such was that of Hacket, executed in 1591 for exhorting the citizens to take arms in order to enable him to purify the discipline of the Church of England, and declaring himself to be the Messiah come for that very purpose.* Walsingham, in defence of the ecclesiastical policy of Elizabeth, maintained, "that cases of conscience, when they exceed their bounds, and grow to be matter of faction, lose their nature; and that sovereign princes ought distinctly to punish their practices and contempt, though coloured with the pretence of conscience and religion."† I add these two remarks: first, we have here an example of the manner in which the doctrine of regal supremacy tended to severity in the ecclesiastical administration, since it led to the infliction of punishments which were not administered on religious grounds; secondly, that when we compare these executions of puritans under the charge of sedition, with the avowed burning of the victims of 1575 for heresy, *eo nomine*, we mark, that the principle was now fully established in contradiction to the doctrine of the ages preceding

* Scott's Dryden, vol. x. p. 28.

† Burnet, Hist. Ref., ii. 418.

the Reformation, that religious dissent, unless it affected either social order or the cardinal verities of the faith, was not the proper object of capital punishment—a principle narrow in its immediate results, but fraught with the seeds of ulterior consequences.

44. Let us now consider the third point, namely, the case of those Romanists who were put to death under Queen Elizabeth. The great Lord Burleigh himself wrote a treatise, in 1583, expressly for the purpose of disclaiming the character of religious persecution, for the severities and cruelties exercised against the Roman recusants.* He declared that the punishments inflicted on them for their religion were adjudged, not for its doctrinal character, but for its social results; the religion being taken simply as the index of the disposition, from which those social results were produced. Walsingham, too, addressed a most ably written letter to a person in France, in which he holds that “consciences are not to be forced, but to be won and reduced by force of truth, with aid of time, and use of all good means of instruction.”† Bishop Jewel, in his Apology, condemns to “lawful and politic punishments” such as “have an *impious* opinion either of God the Father, or of Christ, or of the Holy Ghost, or of any other part of Christian religion;” meaning, apparently, the articles of the Creed; but he seems to fix these as the limits of religious

* Mr. Hallam's Constitutional History, chap. iii. (vol. i. p. 160, 4to), and chap. iv. (vol. i. p. 244, note, 4to). Somers Tracts, vol. i. p. 189.

† Burnet, Hist. Ref., part ii. b. iii. *sub fin.*

persecution.* Lord Bacon writes of Queen Elizabeth, "*certissimum est, hunc fuisse istius principis animi sensum, ut vim conscientiis adhibere nollet : sed rursus statum regni sui prætextu conscientiæ et religionis in discrimen venire non permetteret ;*" and he alleges the fact that Elizabeth did not pass her coercive laws upon the bull of Pius V., but only when in the twenty-third year of her reign the hostile designs of Spain began to be developed.† And even were it granted (which it is not), that these allegations were utterly untrue, yet the circumstance that they were made would in no degree be weakened as a pregnant evidence of the temper of the age. Even the most qualified avowal of the doctrine of religious toleration in high places, and from the mouth of a dominant party, was a sight alike novel and remarkable; and whether sincere or assumed, it indicates that there had begun to exist such an opinion in favour of freedom of conscience, as had no parallel in the practice, or even the opinion, of preceding times. If this were the view of Lord Burleigh, of Bishop Jewel, of Walsingham, of Bacon, and of the court, in the exercise of civil power, how new the circumstance of an association between such a position and such a sentiment ! If it were the public feeling forced upon the government (a far less probable supposition), how different from that same feeling either in a previous generation, or in countries then beneath

* Jewel's Apology, iii. 1, 3. (Blunt's History of the Reformation, ch. xiii. p. 314.)

† In felicem Memoriam Elizabethæ. (Works, x. 283.)

the sway of the rival Church ! The fair question suggested by the case is this : would any minister have held the same doctrine in former times, or under a Roman Catholic government at that time ? And if not, how are we to account for the difference ?

45. It is, however, material to add, that the inferences from Mr. Butler's historical details of the persecution in his 'Lives,'* when carefully weighed, support both the allegations of Lord Burleigh and of his fellow-witnesses, at least so far as they have reference to capital punishments. Those who suffered death might have escaped, if they would have consented to abjure the tenet that the Pope might depose princes, and release their subjects from their allegiance. And further, we are informed that so much was confessed by some, at least, of the parties at the time. In the Hampton Court Conference, the Lord Treasurer affirmed that in works which the recusants had recently published, "by the testimony of those priests themselves, her late Majesty and the State were cleared of that imputation, of putting Papists to death for their consciences only, and for their religion, seeing in those books they themselves confess, that they were executed for treason."†

46. The history of Ireland, where the state of things as regards religion before the rebellions is very much misunderstood, affords us a peculiarly instructive contemporary testimony, which tells precisely to the same

* Vol. i. pp. 224—234. See also Southey's *Book of the Church*, chap. xv.

† Cardwell's *History of Conferences*, p. 190.

effect. The Lord Deputy Mountjoy writes to the council of Elizabeth, in the end of her reign, in conformity with the tenor of the directions he had received from them, as follows :

“ Not that I think too great preciseness can be used in the reforming of ourselves, the abuses of our own clergy, church livings, or discipline ; nor that the truth of the gospel can with too great vehemency or industry be set forward, in all places, and by all ordinary means most proper unto itself, that was first set forth and spread in meekness ; nor that I think any corporal prosecution or punishment can be too severe for such as shall be found seditious instruments of foreign or inward practices, nor that I think it fit that any principal magistrates should be chosen without taking the oath of obedience, nor tolerated in absenting themselves from public divine service ; but that we may be advised how we do punish in their bodies or goods any such only for religion, as do profess to be faithful subjects to her majesty ; and against whom the contrary cannot be proved.”*

47. Agreeably to the spirit of these sentiments, we find it was the complaint of the Irish recusants in the remonstrance which accompanied the rebellion of 1641, that the penal laws had newly begun to be put into execution against them from Puritanical influence, whereas they had previously been in a state of comparative dormancy. So that we find the reign of Elizabeth not only corresponds with that of Edward VI. in

* Leland, ii. 383, note.

the disuse of the express punishment of death except for certain capital heresies, but likewise supplies us with declarations from persons in the highest offices in favour of the principle of religious freedom, though they did not yet perceive or acknowledge in practice the full amount of their own concession.

48. We come now to consider the operation of a cause, which tended to retard the progress of the tendencies to a more humane administration of the coercive principle. The contest in which the English nation found itself extrinsically engaged at the Reformation, as has been said, was not merely one with dogmas and rites, which were controverted as such within its own bosom, but it was a contest of force, perpetually impending if not actual, with a foreign potentate. The appeal lay not to reason but to power, and the question of right was enveloped if not absorbed in the question of power. Assailed or menaced by violence from without, and armed with authority available for physical defence within, the organs of the English Reformation might well have been deceived into the practice of persecution, even had it not been conformable to the general, perhaps the universal sentiment of the age. The tendency to this result became resistless, when not only the deposing Bull of Pope Pius proclaimed to the world both the project of resumption by force of arms, and the reliance of the Roman See on a presumed sympathy within the limits of the kingdom, but likewise the might of Spain was enlisted in the service. From this time Romanism became not in-

deed an universal, yet an actual and direct, cause of disaffection. Thus the very same act which, considered in its religious capacity, ought to have been dealt with by the methods of reason, in its political character called for punishment. Can we be surprised that, when the spiritual act was so palpably linked with civil consequences, the spiritual and civil sanctions thus variously applicable to it should have been confounded? To this probably it was owing that until after the accession of James I. no attempt was made by an oath of allegiance to separate the question of spiritual from that of temporal adhesion to the Pope; and that severe and intolerant laws against Romanism remained, long after those against Protestant Dissent had been neutralised or repealed.

But further: as the first and most serious aggressions which the Anglican Reformation had to meet, were from the quarter of Romanism; and as the character of those aggressions naturally determined the defensive and repressive measures to the form of coercion; so likewise these circumstances had a tendency to fix the character of such measures generally, as against religious diversities of whatever class.

49. Thus (besides the common opinion of the age) the necessity of meeting force by force, or menace by answering menace; the tenet of the supremacy; the embarkation of the State and the Church in one common cause;—all tended to darken or erase that distinction between civil and ecclesiastical censures, which had lived even through the middle ages. It was out

of these characteristic circumstances that the powerful mind of Hooker gathered the materials for his theory of the relations between the Church and the State. He regarded them, we have seen, as being essentially one society; as one organisation, though specially residing and operating, with degree of more and less, in distinct organs. By thus incorporating, instead of allying the two institutions, his doctrine, which represented his own time refined in the crucible of philosophic speculation, reduced to absolute unity their two several principles of life, and rendered it almost impossible to imagine any inherent or substantial distinction in the powers that might be legitimately employed for the maintenance of order and authority in each. In this kind of public marriage, each party communicates in full to the other all which it had previously possessed; in natural consequence, the secular arm would come to be ordinarily and almost entirely at the disposal of the Church; and offences against the latter would be held as commensurate crimes against the former, by virtue of their reciprocal impersonation. So that, over and above the common opinion, and the real connection which the experience of the day proved to subsist in so many cases between nonconformity and disaffection, that peculiar character of nationality which characterised the Anglican Reformation both tended powerfully to invigorate the practice of persecution, and finally led to the construction of a doctrine which seemed to involve its principle in the most rigid integrity. There was a degree of truth in the reproach

of Locke, "who does not see that these good men are indeed more ministers of the government than ministers of the gospel?"*

50. If we examine the reigns of Elizabeth, James, and the first Charles, we shall, without difficulty, discover the natural results, by comparing the practice of the prelates in the administration of their authority with the expressed desires of the Puritans, and with their conduct when they had acquired a predominance. If I mistake not, this comparison will be found replete with instructive matter. It seems, in general, to present this feature: that the former had, upon the whole, more of legal, the latter more of theological intolerance.† The former punished nonconformity more as officers of the State engaged in the maintenance of order; the latter punished it rather as erroneous opinion in theology. I do not know how more simply or significantly to indicate to the reader the temper of our ecclesiastical policy in the sixteenth and seventeenth centuries, than by saying it was the precise contrary of that which characterises the present day. It tended to preserve the nationality of the Church at the hazard of its independence, as the modern opinion professes to secure its independence by surrendering its nationality. It was as eager to strengthen the religious sanction of civil functions, as we are to impair it; to enlarge the province of common action for the

* On Toleration. (Works, v. 54.)

† I find this view, to a certain extent, confirmed by Mr. Hallam's observations on the intolerant laws of the reign of Charles II. Const. Hist., ii. 475 (A.D. 1665).

State and the Church, as we to restrain it. It was a zeal for national religion outrunning the respect due to personal religion; even as our indifference to the former outruns, while it foreruns, a similar feeling towards the latter.

51. We must, however, consider the Puritan body as compounded of several and heterogeneous elements, which were destined to a more distinct evolution, so soon as the compression of the hand of power was withdrawn from the mass. The Puritans properly so called, that is to say before and up to about 1640, had abandoned almost wholly the idea of visible and traditional authority in the Church; yet had surrendered nothing of the idea of religious coercion. The former peculiarity, as I shall endeavour to show, led them into theological rigour and exclusiveness far beyond what Catholic principles could require. The latter produced an inconsistency so glaring, that human nature could not but vindicate its own possession of a logical faculty, by the development of the gentler notions of Independency. Independency destroyed the semblance of Church authority, by avowedly resolving the visible Church into an aggregate of congregational association without any central or common authority: while Puritanism had already destroyed its basis in the succession. Independency,* first of all

* In the first chapter of Neal's fourth volume the characteristic differences of Presbyterians and Independents, with respect to toleration, may be found sufficiently exhibited. The petition of the officers in 1649 was for a liberty which should not include Romanism, or "the late hierarchy" (iv. 19). It seems that there were two grand crimes

the schemes of religion which were endowed with civil power, so far relaxed the doctrine of persecution, as to allow of a national establishment with a toleration of certain professions of Christianity beyond its bounds ; specifically, of a Presbyterian establishment, with an indulgence for “tender consciences ;” that is to say, I apprehend, of Independents, Baptists, and Quakers. Indeed, the sect led by Fox, which was bred in the period of Presbyterian ascendancy during the last years of Charles I., was itself a further assertion of human consistency as against both Presbyterians and Independents, upon the principles they themselves had established. For this body of Christians fearlessly followed out the principle of private judgment, and, retaining the full confession of allegiance to God, repudiated not only a form of worship and an Episcopal succession with the Presbyterians, not only a general Church authority and a regular ministry with the Independents, but likewise the control of the letter of the written word.* The further and equally natural stage of this process was, that Deism began to be largely professed in England under the Commonwealth.† To classify in detail, I should say that the Anglican prelates fell short both of the Independent and of the Presbyterian Puritans in theological intolerance ; while in point of legal or political intolerance they greatly exceeded at least the former class. The

charged by the Scottish Presbyterians against the English Parliament : first, the murder of the king ; secondly, their having (even in so qualified a sense) established a toleration. Neal, iv. 22.

* Neal, iv. 49.

† Burnet's Own Time, i. 71.

followers of Fox appear to have been far more comprehensively tolerant than any of them.

52. It has been said, that of theological as distinguished from legal intolerance, properly so called, both Presbyterians and Independents had a great deal more than those who were truly imbued with the spirit of the Anglican Reformation. I infer it from these signs :—

1. The theory and practice of persecution generally flourished among the Presbyterians for a longer period. It was maintained in argument by Rutherford, at the time when Jeremy Taylor was arraying all the stores of his mind against it. It may be said that Taylor belonged to a worsted class of religionists, and that such readily adopted the doctrines of toleration ; but this class had both before been in the ascendant, and afterwards regained their position. Neither under the first nor the second Charles was the naked theory of persecution avowed in the manner of the intermediate period. That period supplies us with the last inflictions of death for religion, and the last recognition of the principle of such punishments : such as the ordinance for punishing Paul Best, capitally, in 1646 ;* that of May, 1648, which made the opinions of Arians and Romanists liable to the extreme penalty ; † and the cases of Wright and Southworth, in 1650 and 1654. ‡

2. It never found its way into the Articles of the Church of England, or rose beyond the region of ex-

• Neal, Charles I., ch. xvi.

† Ibid., ch. xx.

‡ Lingard, vii. 138, 163.

ternal discipline, and thus was never recognised as a point of theology: but it was inserted, and remains to this day unerased, in the Westminster Catechism, as a principle of religion, to be subscribed, I apprehend, along with the cardinal truths of Christianity. It is there declared that to tolerate a false religion is among the sins forbidden in the second Commandment.*

3. The prelates were inclined to a comparative mildness in their dealings with Romanism; in which they saw a disposition, though misdirected and exaggerated, such as they wished to encourage, to submit individual opinion to spiritual authority; and in which they likewise recognised a common ground of faith, while the Puritans viewed it as no more than one mass of unmitigated corruption: so much more jealous and violent is the principle of self-centred opinion in religion, than that which owns allegiance to Catholic consent. The policy pursued or recommended by the Puritans towards the recusants was barbarous in the extreme; as we may perceive not only from the proceedings during the great Rebellion, but likewise from the infamous sentence upon Floyd, in the reign of James I., which must be ascribed to their agency.†

4. Lastly, and, as I think, quite conclusively, the views of the prelates were manifestly calculated to comprehend within the pale of the national religion a much larger number of persons than those of the Puritans would have allowed. Abundance of facts may be

* Larger Catechism, Qu. 109.

† Hallam, Constitutional History, i. 490—493; iii. 370.

cited in illustration of this position. As for example (*a*), it was an eager and frequent demand of this party that the Lambeth Articles, which enunciated the extremest opinions of Calvinism, should become part of the authorised documents of the Church of England, which all the clergy, before institution, were legally bound to subscribe. (*b*) It was at the instance of the same party that the Catechism was enlarged, after the Hampton Court Conference, by the addition of the doctrine of the Sacraments; with which the Church, though willing to concede the point, had been also willing to dispense. (*c*) It should at least be mentioned, that Archbishop Laud alleged he had only laboured to procure silence in the Church on the abstract dogmas of Calvinism, while his opponents would not be satisfied with this middle term, and required that the points should be ruled according to their desire. (*d*) A comparison of the Confession of Faith (to which, as a part of the Westminster Directory, subscription was required by the Long Parliament) with the Thirty-nine Articles, or of the "shorter Catechism," with the corresponding formula of the Church, will clearly show in what sense and how truly it is to be asserted, that there was more of the spirit of theological comprehension among the rulers of the Church, than among the professors of Puritanism. The doctrinal part of the Westminster Confession, and the Catechisms, were approved of in general by the Independents as well as the Presbyterians.*

* Neal, Charles I., ch. xviii.

53. Again. It is impossible, I think, to avoid being struck by the circumstance, that the punishments inflicted by the Court of Star Chamber, the executions of Puritans during the reign of Queen Elizabeth, the inhuman sentences against Leighton, Prynne, Burton, and Bastwick, under Charles I., are sanguinary to a degree greatly exceeding the retaliations of the adverse party, when in power, upon the Church. One conspicuous victim, indeed, Archbishop Laud, was immolated; yet, perhaps, not more to religious zealotry, than to a purely political vindictiveness or exasperation. Now, it may be said, that none of these very cruel proceedings were strictly ecclesiastical; and that the acts of the Court of High Commission, which was the grand instrument of tyranny in the Church, had their exact or sufficient parallel in the penalties of fine and imprisonment enacted by the Ordinances of the Long Parliament in 1645, first against the public, and then against even the private, use of the Common Prayer Book. But, although it be true that the Puritans were not put to death or to torture by the Church, although the capital punishments were inflicted under the verdicts of juries, yet, in the first place, some of the bishops shared largely in the proceedings of the Star Chamber; and in the second, we are tempted to require a cause for that civil colour which was so determinately attached to offences properly and principally religious under the Monarchy. It is clear that we discover nothing in the time of the Rebellion and the Commonwealth which is analogous, in strictness, to these particular

infiictions. Whence, then, proceeded this distinction, inasmuch as it was by no means to be ascribed to any disposition on the part of the Puritans to enlarge the theological terms of communion among Christians?

54. In part we may perhaps ascribe the difference to the fact that Churchmen were, in conformity with their principles of civil obedience, less restless when worsted than their antagonists. In part we may, with truth, account for it by the important differences which were disclosed within the Puritan body as it rose into authority, and to the fact that the Church was overthrown, in great part, by the measures of such men as Selden and Whitelock, whose object was not religious innovation, but what they considered the requisite guarantees of political liberty; the Parliament was all along a reluctant partner with the Scots in the work of demolition (I mean as contradistinguished from what was meant merely as reform), and bartered, as it were, piecemeal, our ecclesiastical institutions to the supporters of the Covenant, in return for the aid of an army already organised and to them invaluable.

55. But there was more than all this. The prelates acted as men lawfully possessed both of civil and of ecclesiastical authority; and as men bred in those ideas of intimate and inseparable association between the two, which were naturally allied to the whole tissue of the events that formed the English Reformation. Now, it seems not only more pardonable, on the score of assumption and aggression, to persecute for that which permanent authority has established, than

for mere private opinion enthroned, by the vicissitudes of a particular epoch, in momentary power; but also the parallelism of civil and ecclesiastical affairs in the sixteenth century, the effectuation of our religious reforms, under God, by the aid of the Prince, his intimate relation to all that passed within the Church, and his liability to be essentially affected by it in his civil position, established (as we have seen) such a moral and even logical proximity between the ideas of civil and religious obedience, that a clear distinction of their respective sanctions was almost hopeless. On the other hand, those who had all along been contending against the civil power, would have been inconsistent beyond the measure even of our nature, if all of them had been found willing to task its energies to the utmost in their service, and to enforce the very commands they had themselves contemned. Their theory did not conceive, with equal vigour, the idea of national life in its unity and strength, nor blend it in the same degree with religion, which they had been wont to see in a state of separation from it, and therefore it had not the same ingrained tendency to identify religious nonconformity with the breach of social order. So that that happy concurrence of the State, which humanly speaking did so much to mitigate and to secure our Reformation, had nevertheless its own peculiar disadvantages in inducing and almost necessitating, on the part of the Church, too much reference to the secular arm, and thereby fastening on her a character of intolerance wholly at variance with her theological spirit.

56. The foregoing position appears to be aptly illustrated by the theory and practice of the Court of High Commission. With that of the Star Chamber we are, in this place, less concerned, because it was mainly a civil tribunal, and purported to deal with actions only in their civil capacity. Neither do I intend to palliate the grossly arbitrary and unconstitutional character of the Court of High Commission in its essence and in all its methods of procedure. Setting these aside, let me observe, that its character has often been mistaken. It was essentially a court of Church discipline. Its intention seems to have been to maintain order in the Church, and the Puritans were regarded as included within her jurisdiction. This is proved by the fact, that its terrors reached profligacy as much as nonconformity. King Charles, says Clarendon, "did not only permit but direct his bishops to prosecute those scandalous vices" (of unchastity) "against persons of eminence and near relation to his service."* "There might be found in every county," testifies Dr. Lingard, "individuals of rank and influence who had been compelled to do public penance for incontinency, or some other scandalous vice."† This court gave a development to the tyrannical principles, which lay involved in the theory of the Ecclesiastical Polity of Hooker respecting the identity, in a Christian country, of the Church and the State. For if the sovereign not only was *de facto* governor of the Church, but likewise became such in virtue absolutely of the tem-

* History, b. xi. (vi. 237, ed. 1826.)

† History, vi. 324 (4to).

poral sovereignty, it was an easy and obvious consequence, that he should effectuate the principle of government in the Church by those instruments which the temporal sovereignty had placed in his hands.

57. The capital punishments of Romish priests continued in the reign of James I. From 1607 to 1618, sixteen were put to death as traitors for the exercise of their functions : one fell under Charles I. before the meeting of the Long Parliament. During the war of the great rebellion, they suffered to the amount on an average of three annually :* the increased excitement and the predominance of Puritanism operating more against them, than the lapse of time, and the general progress of a temper unfavourable to capital persecution, had acted in their favour. Only one or two cases are mentioned under the Commonwealth.

58. Thus far we have seen the principle of private judgment in individuals emerging into life, and scarcely permitted on any terms to differ from the established institutions in religion. Its progress for some time was slow : yet the period from 1603 to 1640 exhibits signs of mitigation. The invention of the oath of allegiance to meet the case of Romanists was in itself a considerable accommodation to their circumstances, and gave legal form and effect to the sentiment which had tendered life to the sufferers of the foregoing reign, on condition of their abjuring the deposing power of the Pope. The court and the Church were also inclined to make some relaxation in favour of the recusants, a

* Lingard, vi. 154 and 500 (4to), ch. iii. and vi.

disposition which was reprobated with great acrimony by a large portion of the nation, and disingenuously denied by the court. The cognisance of libellers such as Leighton, Lilburne, and others, was by some degrees less severe than it had been in the latter part of the reign of Elizabeth, life being spared, though reputation, purse, and even person, suffered freely. The Romish insurgents of Ireland also succeeded in obtaining from the Marquis of Ormond,* by his treaty of 1646, that the oath of allegiance should be substituted for the oath of supremacy. The stipulation was, that they might take this oath, giving security, at the same time, for their political allegiance, without renouncing the foreign jurisdiction in spirituals. This was a great step. Religious uniformity was no longer to be a condition of citizenship for ordinary purposes.

59. In the English House of Peers, indeed, indulgence had from the first proceeded much further, and Roman Catholic lords enjoyed their seats until the act of the 30th of Charles II. Perhaps this was rather an exception, permitted from its necessarily narrow range of practical application, than the distinct allowance of a principle. And so it may be observed of the Marquis of Ormond's treaty, that the concession was made under the extreme necessities of war, and did not represent what in the opinions of any Protestant party of the time it would have been, *per se*, wise or desirable to grant.

60. Again, the Independent General Ireton, in his

* Leland, b. v. ch. vii.

reply to the plea of Browne, one of the Irish insurgents, laid down the following position : " That touching the point of religion there was a wide difference also between us ; we only contending to preserve our natural right therein, without imposing our opinions upon other men ; whereas they would not be contented unless they might have power to compel all others to submit to their imposition on pain of death."*

The theory of freedom of conscience, which had thus come to light, is represented in the celebrated work of Jeremy Taylor, entitled ' The Liberty of Prophesying.' It was destined to go forth and to conquer. But in the mean time the ancient practice was applied strictly against the Church. The great bulk of her clergy were ejected. An ordinance was passed in January, 1645, and continued till the Restoration, which prohibited the use of the Common Prayer in all churches and chapels, and enjoined that of the Directory. Another ordinance, dated August of the same year, made it penal to use the Common Prayer-book even in a private family, and inflicted pecuniary fines for the first and second offences, with a year's imprisonment for the third.† All this was done during the period of the struggle of the Independents for a toleration in their own favour, and apparently without any reclamation on their part. This was followed up by a severe prohibitory ordinance of Cromwell in November, 1655, which forbids even the private education

* Leland's Ireland, vol. iii. p. 390, note.

† Cardwell's Hist. Conf., p. 242. Blackstone, iv. 53, note.

of children by any sequestered minister, fellow, or schoolmaster.* Yet this law does not appear to have been carried into uniform effect. In 1656 was passed a very stringent ordinance against recusants.†

A much more severe, and indeed frightful, measure was passed by the Presbyterian party in the parliament in May, 1648,‡ which enacted the punishment of death against the holders of a series of opinions held by Arians and Romanists.

It does not appear that the Independents, as compared with other sectaries, have any very great claim to credit for having in some rude manner conceived the notion of toleration; because their distinguishing principle destroyed all church (as opposed to congregational) authority and organisation. If the Church be, according to their theory, an aggregate of purely voluntary and independent combinations, it is much more wonderful that they should have retained any of the practice, than that they should have renounced or mistrusted the theory of persecution. Cromwell's instrument of government excludes "popery and prelacy from the toleration which it declares:"§ the latter, as is probable, or even both, chiefly on political considerations.

61. The period from 1660 to 1688 presents a modification in the general character of its ecclesiastical policy. The severity of the sanctions of religious uniformity, in consequence of the destruction of the

* Neal, iv. 122.

† Ibid., 138.

‡ Ibid., Charles I., ch. xx.

§ Ibid., vol. iv. p. 71.

Court of High Commission, could no longer be maintained : but efforts were made to redress this presumed disadvantage by more closely restricting the personal composition of the governing body, as well as of the clerical order, to precise conformists. Thus the Act of Uniformity under Charles II. took far more effectual securities against puritanism within the ministry of the Church than had been previously provided. It was now for the first time that the legislature, urged on by the zeal of the House of Commons, enacted that every clergyman should declare before institution his "assent and consent to all and everything contained in the Book of Common Prayer,"* and recognised the rule, for which the governors of the Church had almost uniformly contended agreeably to the preface of its Ordinal, that none of those who had received any other than episcopal ordination should be reputed legal ministers until this defect were supplied by the imposition of the hands of a bishop. While the avenues into the priesthood were thus closely guarded, the access to civil functions was proportionably narrowed. The Corporation Act of 1661, besides exacting the oaths of allegiance and supremacy, imposed the sacramental test on the possessors of municipal offices, and it had the effect both of replacing the intrusive holders with churchmen, and of preventing the entrance of non-conformists into the same functions from thenceforth. In 1673 the Test Act was passed. It enacted four restrictions

* Cardwell's History of Conferences, p. 379.

upon the holding of civil office generally : 1, the oath of supremacy ; 2, the oath of allegiance ; 3, the obligation to receive, within six months, the holy communion in the Church ; 4, the declaration abjuring the doctrine of transubstantiation. It had the papal non-conformists for its special object, but it likewise extended the range of the principle of the Corporation Act, and thus operated likewise against Protestant Dissenters. The Roman Catholic peers still retained for a short time their immunity from the operation of these acts ; but the apprehensions of Romanism began, upon reasons unhappily too substantial, to be stimulated anew as time passed on, and the work of exclusion was completed by the act of 1678, which deprived them of their privilege as lords of parliament.

62. Upon the whole, then, one should say, that the ecclesiastical policy of this period, though less severe, was more strict and jealous than it had been before 1640, when the contending elements of puritanism and Anglicanism were in closer contact and required a stronger hand of government. Whatever legal relaxation was perceptible had been purchased by the erection of a brazen wall of religious separation. There were two notions afloat in the speculations of men when Charles II. came into possession of his throne. One was that of comprehension ; the other that of toleration or indulgence. But the Church, upon the Savoy Conference, found comprehension impracticable ; and, sustained by the royalism of the State, deemed indulgence improper. I will not justify

the last, particularly when it is considered what hopes had been fed by Charles so late as in his declaration of October, 1660,* in which, besides much of direct licence, he renewed the promise he had made from Breda, "that no man should be disquieted or called in question for differences of opinion in matters of religion which do not disturb the peace of the kingdom." But as respects the former, I think those who will peruse the records of the Savoy Conference will be sorrowfully of opinion, that it was impossible for the bishops to have included their opponents generally, without abandoning the specific character of the rites, as well as some essential principles of the constitution, of the Church.

63. In 1664 a most severe law was passed against non-conformists.† The recollection of the years 1648-60 was yet fresh in the minds of men, and defended the principle of State religion on the side of Protestant Dissenters, while these lent all their influence to maintain it on the other side against any concession to the Romanists, and the ancient hostility was soon quickened into more vigorous life by the real dangers which lurked behind the throne. It was impossible for either Charles or James to secure a legal toleration to the Romanists. There was a disposition manifested immediately after the Restoration to relax the penal laws, and a committee was appointed to consider them; but its task was soon dropped, apparently in great measure on account of the opposition of the

* Cardwell, *Hist. Conf.*, 297.

† 16 Charles II., c. iv.

Jesuits to a disclaimer of the Papal power in temporals.* King Charles, in 1662 and 1672, issued declarations of indulgence to Dissenters, intended, doubtless, to prepare the way for measures in favour of the recusants, but withdrew them in deference to his Parliament; and the issue of the attempts of his brother is to be found in a more violent and indiscriminating reaction from the Papal form of Christianity, and a severer temper against its professors, than had ever before obtained undisputed sway in the councils of the nation. As his suspension of the penal laws was illegal, it does not mark any stage in our constitutional practice, and neither established a principle, nor requires specific comment. There were some intermediate projects of indulgence which proved utterly abortive.

64. The writ *de hæretico comburendo* was, however, totally abolished by the statute 29 Charles II. c. 9, and heresy was subjected to ecclesiastical correction. Upon which Blackstone observes, that “in one and the same reign our lands were delivered from the slavery of military tenures, our bodies from arbitrary imprisonment by the Habeas Corpus Act, and our minds from the tyranny of superstitious bigotry, by demolishing this last badge of persecution in the English law.”† The judgment of the Church Courts would still, however, entail imprisonment; yet I think this repeal proves thus much—that the change in the

* Clarendon's Life, ii. p. 141.

† Blackstone, vol. iv. p. 49.

nature of the penalties upon non-conformity in this reign belonged to the spirit of the times, and was not merely consequent upon the legal abolition of the Court of High Commission and its arbitrary methods of procedure.

65. The penal and restrictive laws of Charles II. in 1661, 1664, 1667, 1673, 1678, appear to have been constructed in the view of policy, and not of religion. Lord Clarendon, who seems to give his approbation* to the severe act of 1664, nevertheless expresses himself in favour of the principle of toleration, or something more, as clearly as Locke. "When no mischievous action doth necessarily result from our opinions, how erroneous soever, we should be no more offended with one another for those differences than for the distinct colour of our eyes or hair."†

66. Before the Revolution a scheme of comprehension was framed under the auspices of Archbishop Sancroft; and the same primate, with his brethren who resisted the indulgence, attached to their plan of comprehension one for the extinction of all the penal laws.‡ The greatest obstacle to such indulgences from the time of the Reformation seems to have been the fear that they would open a door to similar relaxations in favour of Romanism.

67. We find, however, some curious facts in the history of the reign of Charles II. It was then that

* Life, ii. 286.

† Religion and Policy, ch. x. p. 711.

‡ Hallam, Constitutional History, ch. xv. (vol. iii. 234): Cardwell, History of Conferences, 401, 402, note.

the Earl of Granard procured for the Puritans of Ireland a pension of 500*l.* annually from government,* and in 1672 the King issued an order for pensions of 50*l.* and 100*l.* yearly to many of the non-conformist ministers.† Were these the first grants to the professors of a faith not established, excepting such as had reference thereby to what are termed vested interests, like the allowances to the ejected ministers in England? If so, they are very important, as marking the introduction of an heterogeneous principle into the religious action of the State, and the first instances of an actual aid afforded by the government to a form of religion differing from its own. They are to be distinguished, in this point of view, from the concession granted by Charles I., in his last and extreme necessity, *magna inter suspiria*, according to the expression of Clarendon,‡ who agreed to the experimental suspension of the episcopal authority in the Church for a period of three years.

SECTION III.

FROM 1688 TO THE PRESENT DAY.

68. We now approach to a new era, in which the consciences of men began to be really relieved from the apprehension of civil penalty for their conclusions in religion. In 1689 the Toleration Act was passed.

* Leland, vol. iii. p. 490.

† Burnet's Own Time, i. 344.

‡ History, b. xi. (vol. vi. p. 170, ed. 1826.)

It enacted that none of the penal laws made against Popish recusants should extend to any Dissenters other than those who owned the Pope or denied the Trinity; provided that, besides taking the oaths of allegiance and supremacy (or, if Quakers, affirming to the same effect), they should subscribe the declaration against transubstantiation, certify and register their congregations in a spiritual court, and hold their meetings with open doors. The indulgence likewise embraced their teachers, on condition of their signing the declaration, taking the oaths, and subscribing the articles of religion, except part of the 20th, the 34th, 35th, and 36th.* This subscription was not usually exacted in practice.† The scheme of comprehension had also been revived on the accession of William, but it was maimed in the House of Lords, where it had been introduced, and set aside by the Commons.‡ The Toleration Act was thus limited by the principle of Baxter, who did not seek to include either Papists or Socinians within the scope of legal sufferance, and gave but a scanty measure of religious freedom. An attempt was also made to remove the sacramental test, and was rejected by a large majority of the Upper House. After this period the scheme for comprehension never assumed a public form, though it was still entertained in discussions among influential persons.§

69. But the reign of William III. was otherwise,

* Blackstone, vol. iv. p. 53.

† Hallam, Constitutional History, ch. xv. (vol. iii. 235.)

‡ Cardwell, Hist. Conf., p. 407.

§ Doddridge's Diary, &c., vol. v.

and more unfavourably distinguished, in two particulars. He found the ecclesiastical affairs of Scotland in a state most embarrassing. The episcopal government, in a great part of the country south of the Tay, had been powerfully opposed, in some instances by force. The terms upon which the government required its establishment, were indeed moderate; but the manner in which they enforced those terms was most corrupt, violent, and cruel. Besides this, the royal supremacy was asserted in the most extravagant terms; the whole administration of government was thoroughly profligate, and it tainted the adherents of the bishops generally with the imputation, perhaps also with the character, of secularity.

70. It is dangerous for man to indulge even an indignation which he believes to be virtuous, but yet it seems impossible to censure in terms too strong the methods which were employed upon the restoration of Charles II. for the re-establishment of the Episcopal government in Scotland. It was preceded and accompanied by the most outrageous aggressions of prerogative; and it was by the aid of absolutism consolidated in Scotland, that the King hoped to compass his designs upon the less servile Parliament of England. It was intrusted to men of whom it cannot be asserted that they set even the smallest intrinsic value on it; to the profligates Middleton and Rothes, to the renegades Sharp and Lauderdale. There were men of eminent sanctity at that time, who were deeply attached to the constitution of the Church: Leighton and

Scougal in the episcopal chair, Nairn and Charteris among the Presbyters. But the conduct of public affairs was given by choice to the worst of mankind : the plea of Apostolical government was made part of a general conspiracy against freedom : the pollution of holy things was consummated, and the disgrace of the former time rivalled, if not effaced. When at length milder counsels were adopted, and those immense sacrifices to peace which Leighton proposed were tendered, obstinacy had been inflamed into phrensy, and it was too late to learn even to do well. It almost seemed as if the record had already gone forth—"He that is unjust, let him be unjust still ; and he that is filthy, let him be filthy still." The reign of Charles II. was a reign of influence in England, but of prerogative in Scotland. Indulgences were inconsistently mingled with persecution and oppression, as if the object had been as publicly as possible to disclaim all earnestness and sincerity of motive.

71. There is no reason to believe that the sagacious mind of William III. was insensible either to the intrinsic merits of Episcopacy, or to its capacity of harmonising with monarchical government ; or to imagine that he was insincere, when, on November 4, 1689, he replied to the address of the bishops, "I desire to live for no other end but to serve this nation and this Church."* It is positively stated, that his own inclinations were decidedly favourable to the maintenance of the Episcopal succession in the Scottish

* Cardwell, *History of Conferences*, p. 417.

Church establishment.* It is, therefore, to be inferred that his desire was to pursue the course which reason and religion alike would have dictated; namely, to endeavour to overcome the obstinacy of the extreme party in Scotland by an administration of the ecclesiastical system with external gentleness and with a strict internal discipline, that zeal and purity might sooth exasperated and wounded spirits. A distinguished Presbyterian writer, Sir Harry Moncreiff, has indicated with sufficient clearness, that success might reasonably have been hoped from such a policy. He says of the Scottish Episcopacy under Charles II.—“Had there been any moderation in the management of this new system, or any portion either of judgment or humanity in those who were employed in it, and had the new clergy in general possessed either talents or character, it is difficult to say what the event might have been.”†

72. But he was met by the difficulty that the existing bishops adhered, as a point of conscience, to the exiled prince. Influenced, accordingly, as it would appear, by political motives alone, he yielded to the

* Russell's History of the Church in Scotland, vol. ii. p. 338. “The Episcopal party sent the Dean of Glasgow to King William, to know his intentions concerning them, who answered he would do all he could to preserve them, consistent with ‘a full toleration to the Presbyterians,’ provided they concurred in the new Establishment; but if they opposed it, he should not enter into a war for their sakes. The Bishops, instead of submitting to the Revolution, resolved unanimously to adhere firmly to King James, and declared in a body with so much zeal against the new settlement, that it was not possible for the King to preserve them. . . . So that Episcopacy in Scotland fell a sacrifice to the interest of King James.”—Neal, iv. 503.

† Brief Account of the Constitution of the Established Church of Scotland, p. 16.

great difficulties of his position, and set the example of allying the crown of Great Britain with two religious establishments not holding Christian communion together, by the formal compact of that Act of the Scottish Parliament of 1690 which re-established the Presbyterian government. It is true, that on the accession of James I. it stood nearly in the same predicament; but the anomaly was then felt, and removed. In 1690 it was re-established.

73. The other point by which the reign of this remarkable prince was rendered unfortunately conspicuous, was in the enactment of new penal statutes against the Romanists, in the first, and again in the eleventh and twelfth years of his reign. This retrogression was not without a plea, however inadequate, of necessity.

74. The statute 9 and 10 William III. c. 32,* also enacted new penalties for apostacy from Christianity or denial of the Holy Trinity. This statute was intended to repress the excesses which had followed upon the abrogation of the writ *de hæretico comburendo* in the reign of Charles II.

75. The same reign supplies us with another instance of assistance given by government to a religion differing from that established. King William, in the summer of 1690, having landed in Ireland, allowed 1200*l.* per annum to the Dissenting ministers in the northern province, who, says Leland,† “had shared deeply in the distresses of war.” This pension was afterwards inserted in the civil list, and made payable

* Blackstone, iv. 43.

† Vol. iii. p. 559.

from the Exchequer. We should, however, remember, that acts so minute as these were probably little more than eleemosynary in their original character.

76. The Act of Union with Scotland (May, 1707) further complicated the question with reference to the connection of Church and State. By it the nation was involved in the religious anomaly which had formerly belonged to the sovereign alone, and the Church of Scotland was incorporated with the constitution of the two united kingdoms upon the same footing, in the most essential respects, with the Church of England. Doubtless it was under the belief, however questionable its foundation, that the differences between the two Churches were unimportant, and that unity was not substantially violated by the change.

77. Efforts, however, were made in the reign of Queen Anne to encroach upon the existing toleration: first, by a bill which the House of Commons repeatedly sent up to the Lords, for preventing occasional conformity, or the compliance of Dissenters with the terms of the Test and Corporation Acts in order merely to qualify themselves for office. At length in 1711 it became law. An act against schism was passed in the next year, which required that all teachers whatever, public or private, should make a declaration of conformity to the Church, and should seek from the bishop a licence for the exercise of their calling. These acts were repealed in 1719. The practical scope of the Toleration Act was greatly enlarged by the custom of passing Acts of Indulgence, which was

first done in 1727. From this time, though not without occasional alarms, there ensued a legal truce of a century between nonconformity and the principle of national religion; and the House of Lords affirmed, by a judgment under the instruction of Lord Mansfield, that nonconformity was recognised and no longer merely connived at by the law.*

78. Perhaps the greatest political change effected mainly by the Revolution of 1688 (though it was well known from 1660 onwards) was the substitution of influence by patronage, and even by corruption, for prerogative, as the ordinary engine for securing to the State a power sufficient for the common purposes of stable government. Now this was an alteration thus to be represented in its principle; it was working through the will of the subject instead of working against it; by the composition, instead of the direct collision, of forces. The principle of toleration in religion evidently harmonised with this idea of civil policy, since it gave the influence and inducements that the State could command to the Establishment, while it declined the method of compulsion.

79. Subsequently to the rebellion of 1745, the Episcopalians of Scotland were subjected to a legal suppression of their worship with fine and imprisonment, and their ministers to the penalty of transportation, for exercising beyond the border the very religion which the government protected by tests on its southern side. It was upon political grounds of no

* Hallam, *Const. Hist.*, ch. xvi. (vol. iii. p. 336.)

mean importance, that this conduct was adopted ; conduct that may serve to show how delicate is the subject-matter of the question with which we are dealing, and how necessary is a clear comprehension of those ill-heeded principles, which should govern the relations between the Church and the State.

80. It is not required by the design of the present pages to furnish a minutely detailed history of the laws affecting religious nonconformity, and there is little satisfaction in tracing contests in which the secular so much prevailed over the spiritual elements, as those between the political parties attached and opposed to religious disqualifications during the period that followed the Hanoverian succession. The general description of the system of the 18th century may be comprised under these few heads :—1. Joint establishment of the Episcopal and Presbyterian forms. 2. Proscription of the Roman Catholic religion generally, on political grounds, and of the Episcopalian religion on the same grounds in Scotland alone. 3. Relaxation as respected the Roman Catholics, and entire relief as regarded the Episcopalians, during the latter part of the century, when danger from the house of Stuart had ceased to be apprehended. 4. The exclusive legal possession by the Church of civil, military, and legislative office in England, secured by the sacramental test ; this, however, being qualified by an indulgence to Dissenters, embracing in its terms all those who should not have qualified according to the Corporation and Test Acts, provided they should qua-

lify within a given time thereafter. The practical effect was, that the Dissenters found their way into civil employments without actual molestation; but the sentence of the State against their separation remained recorded in the Statute Book. The Act of Indemnity was renewed in every year, except seven, from 1727 to 1760, and thenceforward without intermission. In Ireland the Test was wholly removed, as respected Protestants, some years before the Union. It was also abrogated by the British Parliament, *quoad* naturalisation, in 1753, on behalf of the Jews; but restored in the following session, as Blackstone says, with some precipitation.*

81. I will offer, however, these general remarks. First, the spirit of public endowment, which does not require personal sacrifice, remained when that of private liberality to the Church had sunk to a very low ebb. Warned, perhaps, by the example of the American Colonies, Mr. Pitt introduced into the Constitutional Act of 1791 a reservation of one-seventh of all lands for the support of "a Protestant Clergy." An arrangement of the same kind was made in the infant settlement of New South Wales, more distinctly pointing to the Church; and in the early part of the present century sums were voted freely for the national Establishments by Parliament. It seems true and worthy of remark, that public bounty outlived the principle of private munificence, both partially to supply its place, and likewise to aid in its recent resuscita-

* Blackstone, iv. 59.

tion. Let us hope that the latter, when it shall have grown from its present state of infancy to manhood, may reciprocate the benefit, and that both together may accomplish a work so far beyond any energies which either of them have for centuries displayed.

82. And further. It appears that during the administration of Mr. Pitt, and in the year 1801, alarm began to be felt both at the progress of dissent in the country, and at the disposition shown by some members of the national Church to fraternise with it, and even yield active support to its operations, under a general and amiable idea of giving encouragement to the preaching of the Gospel. A scheme was accordingly devised for abridging the religious liberties established by the Act of Toleration. It made a certain progress; but, as might easily have been anticipated, never took effect. Now it is very remarkable, that this project seems to have been quite unconnected with any peculiar view of the spiritual position and of the Catholic rights of the Church. For at the very time when it was in agitation we learn that it was confidently believed at Cambridge,* that Mr. Pitt and Bishop Tomline had a bill prepared to take away the property of the clergy and make them pensioners of the Treasury, a scheme evidently hostile to their spiritual authority. Not that the impression was correct, but its existence supports my assertion. And further, Mr. Pitt, as is well known, was friendly (doubtless with the most patriotic intentions) to the

* Wilberforce's Correspondence, i. 223; and Life.

payment of the ministers of the Church of Rome in Ireland by the State; it was also during his government that the College of Maynooth was founded.

83: Here, then, we see the notes of the period, when the principle of national religion was dead, but its civil advantages were still perceived. An attempt was made to draw the cords of policy tighter, while those of faith had been relaxed; and who will now say that its success was to be desired? I fear it would have produced an increased indulgence to practical abuses and secularity of administration in the Church, most miserably compensated by the erection of any external barriers, however seemingly formidable to assailants.

84. The history of the Roman Catholic question should also be marked by its chief eras. In 1778 the Roman Catholics of Ireland were empowered by law to hold landed property, and those of England were relieved from the severe disabilities and penalties inflicted by the Act of 1700. It was intended to have granted a similar remission in Scotland, but the popular excitement raised upon the announcement there prevented it.* In 1791 many professional and other disabilities were removed. In 1793 the elective franchise was given them. And, to pass into the next century, in 1829 the bar to their entrance into the legislature was removed, by their exemption from taking the usual oaths and declaration, and the construction of one to meet their case, by which they

* Moncreiff's *Life of Erskine*, p. 292.

engage as follows :—“ I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm ; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion or Protestant government in the United Kingdom.” The terms of this oath appear to imply, that if Roman Catholics legislate in matters affecting the Church for good or for evil, they must do it in the *bonâ fide* intention that it shall be for good ; and the great difficulty which it seems to raise is this, that the State exacts from them an obligation, binding them to follow a course as good legislators, which I apprehend, as good Roman Catholics, they are forbidden to take. At the period of this change, the great bulk of the Roman Catholic freeholders of Ireland were disfranchised. Again their numbers were much increased, and the facility of access to Parliament greatly enlarged, by the Reform Act in 1832.

85. Of the resistance to the Roman Catholic claims it may be said, that it intended rather than exhibited a noble and true principle, the pure union of Church and State. But the principle had long ago become a dream of other days, and the national condition would not bear it. The presence of dissent was already legalised in every form but that of Romanism ; and no ground is less tenable than that which defines competency for political office by that mere negation which the term Protestantism is frequently used to designate,

and accepts it as a guarantee for something like effective Christianity; a credulity the more strange when it is found, as is sometimes the case, in company with the cruel and doubly false opinion that, as Protestantism and Christianity are inseparable, so Romanism and Christianity are incompatible.

86. In the year 1828 all Protestant nonconformists obtained a legal recognition of their fitness for Parliament and civil office, by the removal of the sacramental test. The remaining restriction is, that in its place they are required to declare "upon the faith of a Christian." The definition of Christianity it is left to each individual to determine for himself. It has been already many times attempted to abolish this declaration; and in the year 1834 a bill reached the House of Lords, which would have left all public offices, with the sole exception, under the Crown, of the Chancellorship, alike open to men of all religions, or of none. The measure was lost in that House, and has not again found its way there.

87. It only remains to notice the gradual expiration of the doctrine of persecution, or civil punishment for religious tenets. The opinions, which alone it is now ever attempted to bring under the notice of the law, are not religious, or rather they are not opinions, but mere appeals, in contempt of the understanding, to the grossest parts of human nature: I mean those against which the laws respecting blasphemy are directed. The restraint of ridicule, invective, and mockery upon religious subjects, is not an encroachment upon free-

dom of conscience; because these do not appeal to conscience or the understanding, but to the passions.* Perhaps the last case of actual punishment for opinion was the separation of Mr. Shelley's children from their father by Lord Eldon as chancellor, and that was incidental, the object being, not the punishment of atheism, but the due education of the children. We find the opinion of the lawfulness of civil penalties on account of religion, under some of its last dogmatic forms, in Mr. Locke, and in Bishop Warburton. Mr. Locke teaches, in his *Letters on Toleration*,† that those who hold opinions either directly or in effect hostile to civil rights ought not to be tolerated, meaning chiefly, as it appears, the Romanists; and that atheism is not at all to be allowed, as promises, covenants, and oaths cannot have any hold on those who profess it: a proposition which it would, however, be very difficult to demonstrate with precision. Bishop Warburton‡ teaches that the Quaker, the Anabaptist, the Papist, and the Atheist are all the proper objects of restraining or penal law, and each in the same degree as he is disqualified by his opinion for civil duty. The Quaker's measure, for example, is merely this: that, as he believes war unlawful, he should not be allowed, on the Continent, to reside in a frontier town. It seems, however, impossible to frame any consistent and precise argument for intolerance in its latter shapes,

* Paley, *Moral Philosophy*, b. v. ch. ix.

† First Letter on Toleration. Works, v. 47.

‡ Alliance of Church and State, b. iii. Works, vol. vii. p. 255.

which does not open the door to all the severer enactments which preceded.

88. As respects, however, the law of the greater excommunication, which is, *ex vi termini*, applicable only to those who are already out of the Church, it still enacts (under 53 Geo. III. cap. 127), that a person* excommunicated for an offence of spiritual cognisance may be imprisoned for any term not exceeding six months. The temporal judges may see whether the spiritual court had proper cognisance of the cause, and whether the excommunication be according to law, and, if it be not, may direct the absolution of the party. In the Act 29 Car. II., cap. 9, sect. 2, the penalty for excommunication, of course with its civil consequence, is, however, reserved in case of proved heresy. The proceeding is undoubtedly antiquated; and it is doubtful whether a law, which for so long a series of years has not been brought into operation, should be considered as expressing, and if in any in what degree, the mind of the legislature.

89. To prevent misunderstanding it may be well to notice a distinct class of civil penalties, to which members of the Church are amenable for certain infractions of its laws.† The general principle of these enactments is, I apprehend, capable of being understood (whatever its historical origin), upon a principle quite distinct from that of persecution. The question belonging to this place is not one of degree, as, for

* Burn, ii. 243; and Blackstone, iii. 101.

† Enumerated by Mr. Palmer, 'On the Church,' part v. ch. viii.

example, whether the particular punishments which a clergyman may suffer for rejecting the use of the Common Prayer be too great or too small, but whether they involve the principle of persecution. It is submitted that they do not. The Church, having temporal endowments, may require, in order to guard her internal discipline, the aid of temporal power, that, where the temptations to intrusion and disorder are so much increased, the means of repressing them may be increased likewise. But whether she might or might not do well to rely more on her intrinsic powers, it is clear that the State may fairly urge the necessity of guarding these endowments as a reason for the enactment of temporal penalties, to follow upon the infringement of the conditions upon which they are held. Such infringement is a violation of the conditions of the compact with the State, and therefore an offence against the State, quite apart from the consideration that it is also an offence against the apostolic precept of order as interpreted and applied in the existing arrangements.

90. We may now embody, in the following classification, the several forms of ecclesiastical policy with respect to varieties in religion, which have been developed either in theory or in practice since the Reformation.* Let us, however, distinguish—

1. The conditions required by the State.
2. The reasons for which they were so required.
3. The sanctions employed for enforcing them.

* Hallam, Constitutional History, ch. iii. (i. 180, 4to).

91.—I. As to the conditions required. The first and most comprehensive of them all is, that uniformity in the Christian religion be made a condition of sovereignty, of office, and of citizenship. This was the theory of all Europe at the time of the Reformation, and it was to a great extent realised in practice: it did not survive the Reformation in any of those countries where it gained the ascendant. Upon this ground it is that the government of Austria, although it tolerates Protestantism in some parts of its dominions, has recently expatriated the Tyrolese of the Zillerthal.* A licence of self-expatriation was stipulated for as a concession in the Peace of religion in 1555.† At a later period, however, it was scarcely even permitted to the Moravians;‡ and in some other states, no variations from the established worship are permitted unless to foreigners. In the kingdom of Naples even these are not permitted the public exercise of their religion; and a permission granted within the last three years to the English of that city to erect a church, has been definitively recalled. In the Havannah, the British residents are not allowed the public exercise of their worship.§ This doctrine has depended very much in practice as in idea upon the belief of a definite and universal infallibility of the Church, which of course made it be reputed definitely

* Of whom an account was given in the Quarterly Review of June, 1839, No. 127, p. 120.

† Robertson's Charles V., iv. 182.

‡ Southey's Life of Wesley, vol. i. ch. v.

§ Gurney's Winter in the West Indies, p. 211.

and universally a crime to vary from her commands ; and if a crime at all, then evidently one of a very deep dye.

The second requires the full profession of Christianity from the sovereign and from official persons generally, but allows of some latitude to private individuals, provided they do not impugn such primary truths of Christianity as are comprised in the Apostles' Creed. This principle, in the main, prevailed in England for a century and a half from the Reformation. The anomaly of a Romish sovereign was quickly felt, and produced a crisis which terminated in the adoption of effectual securities against its recurrence.

The third extends to official persons the latitude formerly granted only to private individuals, yet exacts from the sovereign a full profession. With this relaxation in favour of the holders of office naturally arises a further relaxation in favour of private persons, and all forms of religious opinion whatever are tolerated as such by the State. This principle has a good deal regulated the policy of England since the Revolution, except that, according to the practice before 1828, and the law since, holders of office are tied, though not to any set of doctrines, or any institution, in Christianity, yet to its general profession.

All these have been combined with the profession of a religion by the State, and its especial, and generally exclusive, propagation. But at this point both come to be debated ; and it is now contended that the State should cease to exercise an option in religion

either by indiscriminately supporting or universally repudiating all its forms.

92.—II. Secondly, as to the reasons for which they are required.

First, it was believed that governments were armed servants of God, bound to use their weapons for the correction or extirpation of religious error simply. I find few practical traces of this principle in England after Henry VIII.

Secondly, that heresy was in itself both pernicious and infectious; and that, not indeed with a view to the cure of the individual, but to the security of the commonwealth, it was to be discouraged or even destroyed. The same belief included non-conformity. This principle obtained until the Revolution: since that time it has remained in theory with respect to Socinians, and all beyond them, until 1828; but practically it expired soon after the Revolution.

Thirdly, that certain specific forms of heresy and non-conformity were dangerous to the commonwealth, and might therefore be repressed or punished. This was very different from the last-named rule. That assumed that heresy and dissent, as such, were hostile to social order. This, instead of judging them *à priori* from their general character, only condemned them *à posteriori* upon experience of certain obnoxious tendencies. Such were the penal laws of the eighteenth century against Romanists and against the Episcopalianism of Scotland.

Fourthly, that no form of religion has any such

definite bearing upon the performance of social duties, as to make it the proper object of animadversion or exclusion by the State. This is the principle of English policy at the present moment, except that its scope is limited by the profession of Christianity.

Fifthly, the last term of this series corresponds with the last term of the foregoing one, and defines that the State not only should refrain from coercive or disqualifying laws, but that its active favour should likewise be distributed without discrimination.

93.—III. Thirdly, as to the sanctions for enforcing the above conditions.

Originally it was held, that any wilful deviation from the prescribed canon in religion was punishable with death. We find marks of this principle in the end of the reign of Henry VIII., but not later.

The next form of the coercive rule was, that only apostacy from the faith by denial of what were reputed its cardinal truths should be capitally punished. This principle was abandoned practically from 1612, and was formally repudiated in 1678.

Thirdly, it continued, however, to be held, that such religion as was deemed directly hostile to the State by common notoriety might be punished by any civil sanctions. Accordingly, as Romanists were put to death by Elizabeth for treasonable adherence to a foreign power, and Puritans for seditious writing against the established order, so even after the burning of heretics had ceased from 1612, the capital punishments of Romish priests were continued for a

few years. Their revival under the Long Parliament may be ascribable in part to the dogmas sanctioned by the Westminster Confession, that idolatry ought to be extirpated, and that popery was idolatry.

Fourthly, that the State should coerce for religion in respect of person and property, but not of life. This was the principle on which the Court of High Commission acted in the reigns of James I. and Charles I.

Fifthly, that the State should disqualify rather than coerce for religion; partly as a defensive measure, that civil office might always be with those who were entire in their loyalty; partly, no doubt, for the discouragement of dissent as an evil. The former, however, has been evidently the determining, and the latter a secondary motive. The period 1660—1688 exhibits the state of transition from the system of compulsion to the system of disabilities.

Sixthly, that the State should neither compel, nor disable, nor use religious tests to ascertain political disaffection, but recognise a *primâ facie* equality of capacity for the public service in the members of all communions. Thus we have again arrived at the present rule of English law, excepting the limitation of professed Christianity.

94. I am aware that this classification is not one of complete accuracy, and that the development of all the principles enumerated in it has been imperfect, inconsistent, and confused. Of all the theories of national religion which have been promulgated in this

country, I do not know that any one has been exemplified with precision. When Hooker wrote, it was not true that all members of the State were members of the Church. When Warburton wrote, it was not true that freedom of conscience was fully respected, for under the Test Act it had nothing more than an habitual connivance. But a synopsis of this kind may be useful in enabling us to trace the gradual surrender by the State of prerogatives which it had unduly arrogated, and with this the parallel and less happy process of declension in its active care for the maintenance of religion and the honour of God.

95. It is well that we should be alive to the real blessings which toleration brings with it. The blessing, that the humble and tender-minded inquirer is not solicited to do violence to his conscience for the relief of his property or his person ; the blessing, that no class of men is now exposed to the corrupting effects which absolute and coercive power in religion has never failed, upon any large scale of the experiment, to produce ; the blessing, that the general consent of a free, intelligent, and conscientious people in the religion of the Church offers a far more illustrious testimony to the truth of God than could be yielded by any such uniformity as should rest upon the power of legal penalties or inducements. Yet it is also well, that we should not over-hastily or sharply censure the great and good of many generations, because they advocated the principle of disqualification or even of coercion for

religion. We are to recollect how different in earlier times were the relations of governors and governed, when Henry VIII. addressed his complaining commonalty as "brutes and inexpert folk." We are to recollect how differently, some centuries ago, were compounded the social forces of the commonwealth, the relations of countries one to another, the motives that govern the ordinary conduct of individuals, the stimulants that address themselves to the passions, the exercises that form the understanding, the intuitions that sustain the fabric of inward belief. The day has not yet come for Englishmen to look back upon their ancestors in Church or State as men whose recollection has more of pain and shame attaching to it than of substantial glory, or to esteem lightly that reality and deep earnestness of character which proved even for their errors a noble parentage.

96. Lastly, it is not less imperative upon us that we should realise to ourselves this painful truth: in the days of our darkness and poverty there was no stint of the word of God in the land; there was no man that could not have access to the blessed ordinances of grace, that could avoid being summoned by the sabbath, and not only the sabbath, bell, to joint and solemn prayer, ascending to heaven continually from the body of the Redeemer! in the days of our overflowing wealth and luxury, and of our diffusive knowledge, we suffer myriads, ay, millions, of those who are the actual producers of our means of temporal

enjoyment to live and die as far removed from God as if the sound of His Gospel had never gone forth into the world.

97. And how singular is the perverseness of human nature—apparently the only rule to which it clings amidst every variety of fluctuation ! So long as the maxim that unity is a principle of the Christian religion was recognised by the State, it was coupled with efforts to enforce that unity by means incongruous and oppressive, as well as tending to exasperate the sufferers by the system, and to corrupt its agents. While the state of the body politic admitted of applying the principle of unity to the composition of the governing agency, its temper was not sufficiently mitigated or enlightened to recognise the freedom of the individual conscience. And even before toleration had a legal existence, very long before it was full and unfettered, the principle of unity had begun to be relaxed, not only in the composition, but in that to which it is most indispensable, namely, in the action of the State. Thus, by the time each successive truth was established, some new delusion and new danger had sprung up as its satellites, to attend and mar its influence. Thus it is that, in the mixed combinations of worldly affairs, even the most needful, and, on the whole, beneficial changes, bear within them the seeds of disorganisation.

98. At the present stage in this singularly chequered career of improvement and deterioration, the sole religious limitation on the possession of power is the name

of Christianity : and experience shows that this barrier is neither one likely to be the most tenaciously defended against any powerful assailants, nor adequate to secure effectually a religious homogeneity in those whom it permits to enter ; while at the same time in theory it is one of the most plausible. In the mean time there is abundant avowal of all ulterior designs. It begins to be a common inquiry why, if all sects be recognised as legally competent to serve the State, the State is to render its reciprocal service to one form of religion only ? There are those who protest against all national exactions for the Church of a portion of the nation ; who confound the inherited Church with the invented sects ; who claim the indiscriminate aid of the government ; who destroy its conscience and personality ; who reduce it to a mechanical representative of popular inclinations, first, in reference to religion, but with the view, secondly, and not remotely, of universalising the principle of sovereignty from below, and of cutting off entirely that homage to religion generally, which, by the repudiation of her law of unity, has already been so enfeebled and disgraced.

SECTION IV

PROSPECTIVE INFERENCES.

99. Taking our stand then at the point where the civil right of private judgment may be considered as having received full and absolute recognition by the legal establishment of entire toleration during the reign of George the Third, we find that it there begins to operate in a manner which, if its acts be translated into the words of an individual, would be somewhat as follows:—"In vain it is pretended to give me, the private person, the liberty of forming my own opinion, if secular advantages are to be attached to the profession of other and different opinions, in which mine is not to participate: since every such advantage will manifestly act as in the nature of a comparative discouragement on the one side, and inducement on the other, creating, therefore, a bias in the minds of men, impairing the freedom of their judgment, nay, even soliciting my own." To which, in certain cases, may be added the yet more palpable charge, that money is taken from the individual to support the doctrines which he denies. It is now not proposed to refute these fallacious allegations, but, having shown their connection with private judgment, to trace their influence on the relations of the State with the Church.

100. The discharge of civil office is in its first aspect a duty, but it also partakes of the nature of a reward. Its emoluments in part, but more than these its powers

and distinctions, render it to the majority of men, in their several stations, an object ardently desired. So long as theological opinion was in profession one and the same, no objection could be made against one individual as a candidate for civil office, nor any preference awarded to another, on the ground of religious belief as such. But when different sentiments in religion were permitted to exist without legal animadversion, the case was materially changed. The individual who found that his creed was the obstacle to his enjoyment of office, and who was irritated by the privation, argued with plausibility, that matters of belief ought not to exclude him from duties whose obvious bearing was upon subjects of a distinct nature. And these considerations would gain force progressively, as the simple principles of early society became complicated in its advance, by the immense multiplication of human enjoyments, and of human wants, and the consequently augmented proportion which temporal interests bore, in the science and practice of government, to the higher portions of its subject-matter.

101. But public offices were the organs of the national life. In them the personality of the nation had its province and means of action. And the supreme government had received, from the order of things established at the Reformation, the especial charge of impregnating the whole of that national life with the spirit and energy of the national religion. Hence the struggle in this country, incited by contemporaneous causes from opposing quarters, between the Established

Church for the retention of civil office, and the Protestant Dissenters and Romanists on the other hand for a share in its possession.

102. It may, indeed, have been mere human selfishness, which prompted the attack on the one hand, and sustained the resistance on the other. But, sometimes predominating over this degrading motive, and ever parallel with it, there was a movement and a counter-movement of a distinct nature. The movement was that towards a dissolution of the union between Church and State: the counter-movement, or resistance, was that of instinctive aversion to the first stages of such a proceeding. Not that all those of the movement contemplated, or were bound in reason to contemplate, its termination; not that there are not between its two extremities rational and tenable positions; not that I would venture to pronounce an opinion upon the merits or the motives of the parties; but that, clearly, admission to civil office without religious distinction shortened the road over which men had to travel towards that consummation which is now coming into view.

103. Although the first plea of the Romanist and the Dissenter may be considered as no more than this, that their differences from the State religion in religious belief did not absolutely disqualify them from the discharge of public functions ostensibly secular; yet, when once they were opened, nothing remained to refute the idea of an absolutely equal competency in them to fulfil the general purposes of government with

that of persons belonging to the Church. If the oath taken by Roman Catholic members be an exception to the state of facts assumed by this observation, yet let us remark how much soreness has been evinced under the pressure of that oath; how much regret at its original enactment; how much desire for its repeal. And it is difficult and invidious for A to say to B, or for a class A to say to a class B, our fitness is superior to yours, when the legal recognition is the same. Thus we have, first, a state of circumstances facilitating religious differences; then, because men will not willingly resign objects of desire, we have the effort to separate all consideration of such differences from that of the requisites to civil office. And next, here is first insinuated, and finally affirmed, the principle, that differences in religious opinion have no bearing upon the discharge of political and social duties, but that they may be fulfilled equally well by men of all creeds.

104. There is, however, a very important auxiliary cause, which accelerates the arrival of a State at the terrific principle which has been just enunciated. We shall reach it by considering what is contained under the term *all* creeds. Now, when toleration was first conceded, and when the possession of civil office under the form of legislative station was laid open to Dissenters in this country, under annual acts of indemnity, it was assumed that the subjects of this indulgence agreed with us in the fundamental parts of our religion, and only differed in things unimportant. We

have examples of a somewhat similar kind in the case of the subscription to thirty-five articles, and part of a thirty-sixth, out of the thirty-nine, which was required in the Toleration Act: and in the establishment of Presbyterianism in Scotland, which we may well believe would not have been dreamt of, had there not been a concurrence between it and the national Church of England in many of the most prominent doctrines of Christianity. And those, with whom our Church had to deal as nonconformists in England, were persons professing to adhere to a creed the same as our own.

105. But however wise and salutary, for certain purposes, be the distinction between fundamental and non-fundamental truths in religion, the difficulty and the danger here incurred was this: that a government was an inconvenient judge of that distinction, not so much from want of the means to discern where it might be admitted, and where vital matters began to be called in question, as from incapacity to make its award intelligible to men, of whom the majority are apt to regard theological differences as visionary, or quibbling, or trivial; and yet without whose acquiescence it cannot permanently enforce its decisions. For instance, those in England, who once as Presbyterians might have taught with us much of what relates to the person and offices of the Redeemer, have now sunk, as a body, into Socinianism, or what is worse. Thus the religious differences, of which our constitution has recently agreed to take no account, are limited only by the assumption of the name of Christianity, not by adhe-

rence to any fixed institutions, or even creeds. I am not aware that this can be avoided. The ground on which public law is to stand and to act must be broad and palpable; and, having once left the intelligible position of our own National Church, the reformed Catholic Church in England, I know not where we could have stopped, so as to have found a tenable resting-place, but at the name of Christianity, which indicates a distinction less broad, indeed, in itself, than the former one, but yet intelligible, and pointing out what is as yet, upon the whole, and in a great majority of cases, a very substantial difference.

106. And yet it remains unfortunately true, that religious systems the most entirely heterogeneous are comprised under that common denomination. This, however, is the misfortune, not the fault, of our constitution. Its intent is to recognise Christianity not as a mere name, but as a system which should be vitally operative upon human character. It wants, however, an adequate test, which would ascertain under what forms it is thus operative for good; and through this want it is obliged to be content with the name, as the only criterion that can be had. But yet we must not conceal from ourselves, that all the elements of the vitality embodied in the Church are hopelessly excluded from some of those systems of religion which, notwithstanding, cling to the Christian name; and that the professors of such persuasions are recognised as equally qualified for the discharge of political functions with those whose possession of the Christian covenant, if it

does not in all cases lead them to a corresponding holiness of life, is nevertheless the appointed, and the exclusively appointed, though far from invariably successful means of generating that character. It remains, therefore, that among us, men vitally at variance on matters of religion are not legally denied to be equally competent to become good citizens and officers of the State.

107. Doubtless the recognised admission of all Christian denominations into the legislature was not intended, by those who made the concession, in any degree to qualify the obligations of the State to a conscientious support of the Christian Church. It was perhaps a calculation made in charitable error, that where different classes of Christians met in the State, and the creed of one was in long-established possession of the privileges of nationality, partly its prescriptive title, partly their being held to have common interests as Christians, more important than their points of difference as denominations, would ensure their harmonious co-operation in support of the great principle of national religion. It might, at least, have been hoped that, while using all fair means to modify the composition of the National Church in their own sense, and thus amicably contending for the supremacy of truth, these classes would not have violated unity, its fundamental law, by promoting or permitting, as they now do, the legal support of all forms of religion, and thus altogether contravening the idea of a national duty in religion.

108. It would seem, at first sight, that little space remains between the present position and the dissolution of the union between the Church and the State ; but it is not quite so. The personal composition of a government does not immediately or invariably determine its public policy and principles, although it of course has a tendency to work these round into harmony with itself. We may have surrendered some of the defences and outworks of national religion, but we have maintained the principle : because all those who exercise office among us are, either by their membership Churchmen, or, in the view of the law, assumed to be at worst indifferent ; or, in the case of being Roman Catholics and therefore having presumably a rival interest, by the specific obligations which they undertake, obliged to refrain from using any of their powers thus acquired to the detriment of the Church establishment. But the citadel, not yet surrendered, is unequivocally beleaguered ; and the tendency of that proud, ungodly spirit, which brands the forehead of the age, is not only to tolerate, in the occupant of civil office, a personal incapacity to discharge its obligations aright, so far as they bear upon the welfare of the national religion, but to sever from that occupancy altogether any obligation, either to promote its purposes, or even to respect its legal existence. And this spirit of the age it is which claims to be true and genuine Protestantism, with nearly the same justice with which Romanism assumes the honours of the Catholic Church.

109. And now let us trace the workings of this principle, supposing for a moment that it should be unsuccessfully resisted, and should attain its full development. As regards the personal composition of the government and the legislature, it avows the desire to remove the remaining restriction, that of a profession of Christianity. If it gains this, it gains, probably, everything. For the anomaly of appointing persons who deny Christianity to legislate and govern for its benefit would be so palpable and glaring, it would so grate upon the average common sense of mankind, as speedily to bring the question to issue, whether the support of Christianity be one of the proper objects of legislation, and powerfully to assist towards a negative decision. But there would be an anterior question. We should first be called to do, in our law and policy, what has been already done in reference to personal qualifications for office ; to generalise and relax our obligation ; to contemplate, in what is deemed a liberal spirit, the advancement, not merely of the interests of the Church, but of religion at large, under the different forms of it bearing the Christian name. Nay, already, in some departments of the empire, we have taken this step in advance ; and the tendency of many minds is, to make it the universal rule.

110. It would appear, furthermore, that such is a fair consequence of the great axiom, which the false philosophy of liberalism professes, that men of different religious creeds, whatever be that difference, are equally well fitted for the discharge of civil office. If this be

so, it may reasonably be asked, why should the State support the Church called national, in particular, when her religious system does not render to the State any peculiar benefit, greater than that which may be yielded by other religious bodies? How can the State, which is composed, and composed with equal propriety, of all sects, recognise a religious superiority in the Church? The religious superiority of any system must of course be acknowledged by the adherents of that system; but the component parts of the State do not belong to that system more than to any other. There can be no support, therefore, on the ground of a conscientious adherence, by a State, in which liberalism shall have worked out its will. And again, the Churchman is no fitter for State purposes than the member of any sect: why, then, should the State, by endowing the Church, pursue a course which tends to make Churchmen?

111. And this dangerous plausibility will further plead, that in the absence of any affirmative reason for a preference on the part of the State towards the Church, there are very strong affirmative reasons in a contrary direction; namely, in the jealousy and the offence, the general disaffection and hindrances to the course of government which will ensue, if such a principle be persevered in. And thus flattering pictures will be drawn of the good will and peace that are to result when no religious preference is manifested by the government, but every sect shall share in its paternal bounty, by men forgetting all the while, or

suppressing the fact, that the support of religion is not principally a boon to individuals, but a homage to truth, their only sure treasure and defence, and a public acknowledgment of our duty to seek it. To us, indeed, if our constitutional condition has been rightly estimated, such arguments ought to be of no avail; but we ought to press right onwards, bating no jot of heart or hope, and by no means relaxing the law of religious unity, but rather striving to bring men to a sense of the duty of compliance with its requisitions.

112. Here, then, is another in the chain of evils which have arisen out of human sinfulness, in the abuse of private judgment, first neglecting the truth, and then insulting it by placing upon the same level with it every form of error; irritated, it may be, by a different form of that same sinfulness, which, working in another sphere and in another way, has omitted to carry out, in the appointed manner, the sanctifying influences of Christianity, and has employed secular rigour or political corruption in their stead. But what we have to observe is, how this class of mischiefs appears to be lineally descended from that bastard offspring of the Reformation, the irreverent abuse of private judgment. The Reformation itself was in the main a reassertion of truth; but this is a consecration of error. First, the multiplication of differences in belief; then, the denial of the relevancy of those differences to the competency of men for civil office; with the sliding out of an allowance of division in

things indifferent, to one embracing fundamentals also. Then when the State is indifferently composed of all creeds, it can have no conscientious obligation to one ; and it will probably obtain some momentary and most delusive calm when it has placed all on the same footing of pecuniary countenance and support.

113. But will this last ? It might be difficult to determine, whether it be or be not desirable that it should. It is, in some of its aspects, less sad and shocking than the naked conception of government without religion. It has even, in some of its aspects, an alluring character. Corruption, in its earlier stages, has a beauty of its own : witness the tints of autumn. Yet this scheme involves one at least of two fatal alternatives ; either the destruction of anything like a true civil theory of government, or the eradication of conscience from a power appointed to moral functions. If a government be purely a mechanical contrivance for representing, in the same proportions in which they are entertained, the wishes of the people, in this view it may be desirable that all sects should have religious aid, and the government would incur no guilt. But why ? Because it is by the very supposition purely servile, and has no free agency of its own ; no right to do otherwise than as the numerical majority of the people command. If it *has* a free agency, or a competency to act upon its own conviction and conscience in matters of religion, how can we wish that, by supporting all creeds, no matter what their amount of difference, it should confound together truth

and falsehood, and feed heresy out of the patrimony of the faith ?

114. But again, will this system of indiscriminate support endure ? It has only been once tried in juxtaposition, on an extensive scale, with real and independent democratic institutions. The case of Prussia is not in point. That government is not a natural, but an artificial formation. There is no free expansion of the tendencies of the several creeds which it rears up in local proximity. The iron hand of the law, which only follows the necessities of the case, restrains free discussion. The penalty of imprisonment is denounced against controversial sermons.* But in America, a matured republicanism quickly got rid of the hybrid method formerly adopted by the States of New England, and left every form of faith to its own resources. Whether because there was a suspicion of unfairness in distribution ; or because it was thought that a machinery, avowed to be exclusively secular, ought not to become liable to suspicion from taking cognisance of religion at all ; or because it seemed a circuitous and cumbrous method of applying men's money to their purposes, to take it from them to the government, and then pay it back ; or because some minds painfully felt the monstrous evil of ascribing to all religions one and the same character ; or because it was

* This circumstance was disclosed by a paper presented to Parliament during the Session of 1836, the apparent intention of which was, by an exhibition of the system of perfect toleration erroneously supposed to prevail in Prussia, to favour the progress of the measures then proposed in relation to the Church of Ireland.

deemed that popular will, being the foundation of each religious system, ought also to be the measure of its support, and that some might wish, for the purity of their faith, an establishment more economical than according to the government quota it could have been; or because those who were determined to retrench altogether the expensive superfluity of a religious profession, resented, in the pride of private will, being laid under a tax, avowedly for benefit to themselves, of which benefit they denied the existence, and were willing to forego the use: whether it be from any of these causes, or from all, or from others, the fact at least is unquestionable, that the system termed American has utterly vanished from the face of the land which gave it birth. May those who seem to be entering on a similar course look forward before it shall have become too late to look backward!

115. We are now within one stage of our conclusion. In those considerations which have just been suggested, backed as they are by such results as experience has under fair circumstances hitherto afforded, we may see abundant reasons to believe, that when the State shall have finally cast off its allegiance to and preference for the Church, and shall have substituted in its stead the practice of undistinguishing support to whatever terms itself religion, or even to professing Christianity in all its forms, it will soon be found the more convenient and natural course, to withhold all interference with the pecuniary affairs of religious societies. The best and most natural basis

for a government to adopt is, that Catholic Church, in which is realised the whole mind of God. An intelligible basis is that upon which we stand, and upon which is joined with the English Establishment that northern one, which, although it has lost the apostolical government and succession, stands nevertheless upon compact; and embodies a fixed form, if not a complete one, of religious truth, and a form, too, which we have seen by a long experience to be not without the blessing of God, and operative for good on human character. I do not say that such a position should have been taken; but that, having been taken, it may and certainly should be defended from further invasion.

116. The profession, however, of a religion by the legislature is less assailed than its propagation. We are not yet ready to acquiesce in the proposal which has found an organ but not an echo in the House of Commons, that acts of worship should be discontinued in the great council of the nation. Now, so long as the worship is maintained, and as that worship is of the Church, both the personality and the conscience of government are recognised. As to the duty of active pecuniary support to the national faith, that must depend upon our abilities. If we are absolutely precluded from its performance for the time, let it be considered as suspended. In that negative state with regard to propagation, so that we retain always the profession, we may acquiesce; but let us not be led into the fatal error of establishing all creeds, or affirm a false principle merely because we want power

to carry the true one into full execution. When the rule of support has been generalised, neither the unity nor the substance of profession will long be maintained.

117. Thus it has been attempted, in part by speculation from the past, but more from its actual records, to connect certain existing phenomena indicative of evil, with the workings of the principle of Protestantism when it is carried out into a vicious excess, un contemplated by its authors; and to trace those phenomena to their final effects upon the principle of connection between Church and State. We have seen it tend first to multiply differences; then to raise a question upon the relevancy of those differences to the competency for civil office; to decide that question in the negative; then to render the practice and principles of the State itself conformable to those of the individuals to whom has been given the civil right of bearing authority in it; to throw off, accordingly, as invidious and intolerant, the principle of preference for the Church; and lastly to discover what under such circumstances can hardly be denied, its own inaptitude for meddling with religion at all.

118. And all this we have ascribed, I believe with strict truth, to that principle of religious liberalism into which Protestantism is apt to degenerate. But there is a parallel and concurrent action of political liberalism which aids in producing the same results. I do not stop to inquire how far political institutions are biassed towards democracy by the pre-

valence of a Protestant form of religion.* Some, however, might be inclined to rate that influence highly. That Romanists have been disaffected in Belgium or in Ireland, that they have been (according to the recent testimony of M. de Tocqueville) antifederalists in America, does not make against this opinion. Let us see a State of such magnitude as to be really integral and independent, in which the Church of Rome is effective and supreme, and where institutions are democratic or rather free, before we pronounce our definitive judgment. For present purposes, however, I assume a popular view of government to be not the child nor even the twin brother of Protestantism, but simply a contemporary phenomenon : and it will probably appear, upon a very brief consideration, that when once we have surrendered the paternal theory of government, and made it an arbitrary or conventional institution, whether its form be monarchical or not, we have put the principle of a national establishment in the most imminent jeopardy.

119. While government, under whichever of its modes, is viewed in the light of a Divine institution, not emanating from the mere will of the society over which it rules, there is nothing incongruous or offensive in ascribing to it rights independent of that will. Nay, they are not necessarily invalidated even by the fact of opposition to it, because will is not the ground of its tenure. But they must be in accordance with the real interests of the body governed ; since,

* Montesquieu, *Esprit des Loix*, b. xxiv. ch. v.

whatever we may conceive of the historical or moral origin of government, there can be no doubt that it exceeds its rights when it acts in opposition to the true welfare of the people. In the purely popular form, however, it would seem that the will must be taken as the criterion of the interests. In the purely despotic form, there is a fatal vice in the want of any sufficient guarantee for a regard to the latter. But in the mixed form, with which we are blessed, so much of will is introduced as is deemed enough to secure attention to the interests; while at the same time government has not renounced its right to consult for the benefit of the community, viewed through another medium than that of its inclinations.

120. In such a state of things, no constitutional objection can be raised, if the State shall give its preference and support to that religion which it deems best for the country. It does not recognise a right of disposal in the people over all the funds dedicated to national purposes. It does not recognise their property in them, when they have become national; but their right to have them appropriated for the best advantage of the nation. I speak now, not simply of money-votes from year to year, but of perpetual endowments. The State need not therefore determine by a process of mere enumeration what shall be its religion.

121. But when it is allowed that government is no more than the pure representative of the people, the exponent of its will, then all funds committed to the

administration of the government are in fact submitted to the will of the people; and all taxes legally allotted to and raised by the government still continue the property of the people; and government has no duty to perform other than accurately to realise and effectuate in the legislature and in the law the different forces of opinion which act upon it from the country: it has no right to express a preference of its own for any religion as being the wisest or the best; nor to offer a religion to the man who is without one, or a better one to the man who has a worse. And the subject, too, becomes restive. He imagines that the public funds are still *his*. He naturally objects to give *his* money to a form of faith which he does not approve. He calls this, and in certain cases may plausibly think it, a scruple of conscience. His objection would be valid if the money were his.

122. But the theory which teaches him that government is only the proportional index of the several wills of himself and his neighbour, teaches him that the money is his, and that his rights over it, and his responsibilities connected with it, continue even when it has passed from him by legal demand. Thus his jealousy and his sympathies are touched in the tenderest point. He exclaims against a law which renders him, he thinks, an actual participant in wrong. He agitates against such a law, and this whether in a majority or a minority; for he argues, and argues truly, that a majority has no right to make a minority do what is morally wrong. The obligations

of personal duty are superior to those of the social compact.

123. If indeed a termination could be put to differences of religious belief, then the popular theory of government need not, it would seem, cause a difficulty in maintaining the connection between Church and State. No offence, real or supposed, would then be given to the conscience of the private man, because the payments would be in every case for the support of his own religion. In a Roman Catholic democracy, therefore, supposing it to exist under the conditions before mentioned, it does not appear why the Church of Rome should not be recognised by the State. But where differences of creed are allowed, as in all Protestant states, and where with these there co-exists the democratic theory of government, who does not see that a train of motives and of actions is laid, threatening perpetual dissension, while the union of Church and State is maintained? One alternative indeed will remove that dissension. When nothing is given to any form of religion whatever by the government, then no ground of complaint will be left, and not till then.

124. Thus it is that the Protestant principle of religion and the popular principle of politics, each carried to excess, together bear their hostile influences against the ancient and legitimate law of a connection between the Church and the State, although the former, in its legitimate form, was highly favourable to that connection.

CHAPTER IX.

THE PRESENT DETAILS OF ADMINISTRATIVE PRACTICE OF THE STATE
OF THE UNITED KINGDOM.

1. HAVING now endeavoured to show the general idea of the relations of the State to the Church* according to the British constitution, and also to trace the main outlines of their history† from the Reformation, I come next to inquire by what details that idea is developed, diversified, or contradicted; and to exhibit, as clearly as reference to existing and accessible documents will enable me, the singularly chequered practice of the State of the United Kingdom with reference to religion under its various forms and circumstances throughout the wide extent of British dominion. In a former chapter it has been, I trust, sufficiently shown that the ancient idea of Church and State still lives subjectively in the constitution as well as objectively in abstract truth, and indeed determines our ecclesiastical proceedings in most of their leading features, so far as they are positive. Yet it would be a great error to suppose that this idea of Church and State, as they ought to be and would be wedded if the duty of Christian unity were adequately recognised among us in our individual capacities, remains up to this moment unimpaired. In the first place negatively, for it

* Ch. vi.

† Ch. vii. and viii.

must, I think, be clear to most men, that while vast masses of spiritual destitution are allowed to accumulate in the country, the State is culpably neglectful of its obligations, as well as deplorably blind to all its interests. In the second place affirmatively; for it is scarcely less difficult to perceive that the action of the civil power has, upon the whole, during the course of the last century and a half, though variously at different periods, tended causelessly both to restrict and to debilitate the operations of the Church: besides which, it has but indifferently adhered to the most elementary dictates of that religious conscience which its practice in larger matters demonstrates that it claims, if at least that be religious conscience, and it is so, I believe, both truly and in the opinion of the day, which declines spontaneously to support professions of religion not conformable to its criterion of truth and duty. The first of these is a defect, grievous indeed, but yet perhaps less menacing than an absolute, definite, wilful breach and contempt of obligation. The second is a matter of easier, though still arduous, consideration and adjustment in detail. The third I conceive to be the place of danger. It offers the most seductive forms of compromise, and has the advantage that the road which it opens to ruin is circuitous, and we do not so easily perceive, as we proceed in it, the point of our destination.

2. The substantial question, however, for our consideration in practice is to be defined as follows. There are grievous pains and heartburnings connected

with the struggles of the day that regard religion. We do not admit that the principle of national religion is really and in itself a stone of stumbling upon the path of our brethren ; but it is clear, at the least, that some set it there and make it such. Are we, then, to leave it in their way simply because it is of their own seeking ? Surely not : and the law of love requires that we should hasten to assist in its removal, unless by doing so we should find that what we are about to displace is the corner-stone of our public duty and of our permanent well-being as a people.

3. And this is what we have found, according to the foregoing arguments. Still, however, it may be suggested, that this would once have been a reasonable line of argument, but* that so many things have now been done which are evidently wrong upon the supposition of a religious conscience in the State, that it is more consonant to good sense, and more conducive to peace, to abandon that idea and resign ourselves to the course of events. Thus, then, we arrive at an issue of fact. Does the relation between Church and State still exist in the practice of our political institutions, in such a form as to justify and demand the effort to maintain it ? And this we must answer by a careful attention to all those numerous details which may appear in any degree to compromise the idea.

* Speech of the Right Hon. T. Spring Rice (Lord Monteagle) in the House of Commons, on Education, June 20, 1839.—Hansard's Debates, vol. xlviii. p. 637.

These we must compare with the facts on the opposite side of the account, and must then determine whether there is still obviously a rule ; and which in practice has been the rule and which the exception. It seems more reasonable that the exceptions should cede to the rule, than that the rule should yield to the exceptions. And further : in the consideration of these details we must distinguish between definite and indefinite deviation ; between things done, and no longer within our free choice, and things referred to that free choice, by a proposal that we should do them ; and lastly, between our domestic and our colonial administration ; for it appears very difficult to maintain that such an identity of national life subsists between the United Kingdom and her dependencies abroad, as would enable us to carry out in them, by the imperial power, precisely the same principles of alliance between the Church and the State, as those for which we contend at home.

4. The absolute and strictly ideal perfection of this theory, in common with every other upon moral subject-matter, requires conditions that have never been fully realised in our fallen state, that is to say, not only unity of religious action in the State, but unity of personal composition with respect to religious profession ; nor only unity of religious action and composition, but unity also in the true consistency and sanctity of those so united in the Catholic creed. We are not therefore to wonder that, so far as the fore-

going review has extended, there has existed no period in our history which accurately exemplifies in practice even what I have put forward as the ideal perfection of the theory. Not before Protestantism, nor in its early stages, namely, up to the twelfth year of the reign of Elizabeth, the era of the separation of the English Romanists from the Church; because then, to say nothing of failures which seem absolutely inseparable from our human state, differences of opinion upon religion were forcibly suppressed from without, and the true moral freedom of the individual, one of the great conditions of our well-being, thus remained unfulfilled and superseded. Not from that time till 1678, because the legislature was not wholly of the Church, and separatism was still forbidden and repressed by the civil power. Not from 1678 to 1689, because the latter of these reasons still continued in force. Not from 1689 onwards, because the crown had involved itself in serious compromise as regarded its religious action, by uniting with two churches not in Christian communion with each other. We may take, however, roughly, as the standard with which to compare our present state, this general notion:—uniformity and sufficiency of action by the State according to the faith of the Church, with a full toleration to those who are separated from it. This is not a very lofty ideal standard, yet it has never been attained; for the action of the State began to be diversified about the very time when toleration in its narrowest sense, namely, toleration with a test or with

disqualification, was established under William III.; and the action of the State has since that period become considerably more parti-coloured, although civil disabilities for religious differences are not yet entirely at an end.

5. The case of the Scottish Church establishment, distinguished* as it is in many particulars from our own, requires an attentive and separate consideration. The general drift of the foregoing arguments has undoubtedly been to the effect that the Christian state ought to have respect to separatism as well as to heterodoxy; in short, that wilful secession, in its degree, involves heterodoxy; that it ought not only to support religion, but the Church, as its appointed depositary; and if that Church be one in body as well as in spirit, it may at first sight seem a proper consequence that the Scottish establishment should be disavowed, or altered to a different constitution susceptible of Christian communion with that of England; and that, if not, it destroys that principle of a personal religion in the State for which we have been contending.

6. The Scotch establishment has had every feature that could mitigate the anomaly and evil of a case of separatism. It is, in the words of Mr. Smith,† the “national estate of religion” for that kingdom. It has a fixity of creed. It is now rid, for the most part, of its ancient prejudices against the episcopal government, which is, I think, regarded with much of positive favour among its clergy. The character of that

* Chap. vi. § 11.

† Letter-vi. on National Religion.

body is most exemplary. The administration of patronage is wonderfully pure. The temporalities of the Church are so husbanded as to produce a great amount of beneficial agency from limited means. The operation of the system on the people, wherever it has free scope given to it, tends to order, loyalty, and yet more to a general knowledge and fear of God, which those who have lived among the Scottish people will ever be glad and forward to acknowledge. Until very recently it had appeared that its ancient feud with our civil institutions had been brought, through the skilful adjustment of middle terms, to an end. Lastly, some distinguished members of the body of the Scottish clergy are now arguing that they have the legitimate apostolical succession, through John Knox and his coadjutors as presbyters, and grounding their own title to the ministry on that foundation.* It should not be our desire to depreciate the praise which God has given. We should wish our own principles to be tried by the standard of truth, and it would be most iniquitous to suppress facts because they may appear to countenance deductions unfavourable to our purpose.

7. Now, our principle is, that there is one revealed Catholic Church, of which the apostolical succession in the ministry is a legitimate condition, as well as truth of general doctrine; one in body as well as in

* See the Rev. J. Cumming's *Apology for the Church of Scotland*. London, 1837. Speech of Mr. Brown at the Edinburgh Commemoration Meeting (Corrected Report, Edinburgh, 1838). Report of the Lethendy Case, p. 48.

spirit, and having that succession as appertaining essentially to the law of its body.* This position is not shaken, however it may be shown that it has pleased God to work out His own wise purposes through different, though parallel channels, and to bring men back to His own blessed image in His Son by means other than those explicitly shown to us. It does not remain the less our duty to abide in that institution where we know that the grace of our Lord Jesus Christ is administered, not merely from our human judgment of its results, but also from the fact that our ministers have His historically attested command and commission.

8. If, then, unity be a principle of the Church, and the Church a part of religion, ought governments voluntarily to surrender as unimportant any such part, however to fleshly perceptions it be separable from the essence? It would appear, certainly not. The great fact still remains applicable to the Scottish Church and its participation in the connection with the State, that it involves a breach of the principle of unity in the body. How, then, it may be asked, are we justified in continuing to support it? in recognising its claim to legal extension, both at home and throughout the colonies?

9. The difficulty is great, but the answer appears to me to be this:—It has become matter of law, and

* I cannot convey in a sentence any adequate statement of the application of the doctrine of succession to the difficult and complex circumstances of the present day. I have written more fully upon it in 'Church Principles Considered in their Results,' ch. v., and ch. vii. sect. iii.

of compact and good faith by the law as such. To this extent it may be said, *fieri non debuit, factum valet*. As individuals, those who hold the unity of the body are bound to endeavour to restore the apostolical system in the national estate of religion for Scotland; and, for that end, to use every just and wise means of persuasion for the alteration of the law, by bringing those, namely, who represent the parties to the original deed, to concur in seeking such an alteration; for no other means would, so far as I can see, be other than unjust. But the Act of Union with Scotland recites an Act of the Scottish Parliament, establishing in the Church a Presbyterian discipline, and requiring of the sovereign an oath to maintain it; and it makes the observance of this Act a fundamental and essential condition of the Union. Thus it has become a part of the nation's organic life, and, as a part thereof, and under the same contract, there arises the claim that the united State shall fulfil, on behalf of the Church thus reconstructed, all that belongs to a national establishment.

10. When the Church government was altered, and the succession abolished, the establishment still retained all its claims, in the view of the Scottish legislature, as the national estate of religion. It was not intended or expressed that these claims should be foregone. On the contrary, the constitutional obligation which, before the Union, affected only Scotland and the Crown, was, by the Union, imparted to England through a compact definitely expressed. But the spirit of the

agreement went much beyond its letter. Its letter would have been fulfilled if, upon the first meeting of the united Parliament, a motion had been made and a bill carried into law for the alteration of that article of the Union which provided that both the State and the Scottish establishment should, as a fundamental part of the junction, be tied to maintain, each in its several sphere, the discipline and doctrine of Presbyterianism.* There could be no doubt of the constitutional competency of the legislature to carry such a measure. But the spirit of the agreement would, it is obvious, have been in such a case most grossly violated. I apprehend, then, that in its spirit the compact was virtually this:—that the representatives of the Scottish nation, consenting to incorporate themselves, as a small minority, with the vastly greater number of Englishmen, in the British House of Commons, expected morally, and fully meant, to retain their full power of acting for their Church; and that, consequently, we are bound to take care that, within the limits of equitable proportion, their demands on behalf of their national estate of religion shall be allowed to take effect, and shall be accurately represented in the aggregate result of the deliberations and wills of the mixed body; and that our own free agency

* The view which I have here taken is precisely that of Justice Blackstone, in a note to his Commentaries, vol. i. p. 97; and upon the same principle as I have here assumed, it is now commonly argued in Scotland, whether accurately or erroneously, that the statute of 1712 restoring patronage, which did not exist at the period of the Union, altered the ecclesiastical discipline, and was therefore a breach of faith.

is restrained and pledged to afford them the means of realising all such equitable claims as may arise from time to time under the compact so understood.

12. One of those claims, in this sense, is for additional grants at home, in order to extend the offer of the ministrations of the Establishment to all those within the realm of Scotland, who, through defect, whether of ability or of will, are without religion, or are of other religions. Another is, that when her Presbyterian children pass forth into the colonial dependencies of the empire, they shall still be entitled to share in the public aid afforded to religion. It seems to me difficult to read fairly the Act of Union without acknowledging this demand to be founded upon an equitable interpretation of that instrument; and, therefore, in consenting to give effect to it by legislative acts, we do no more than discharge an obligation, incumbent upon us until the compact is altered; an obligation from which we should not be released, if the Church Establishment of Scotland, instead of being Presbyterian, were Independent or Roman Catholic. It is obvious, that the members of the Anglican Church might still, by their votes in Parliament, overbear the representatives of Scotland and alter the Union. But, firstly, the State cannot always correct its acts, nor can even an individual, by a simple volition; and if it could, still it has a power of mortgaging futurity, of subjecting its own conduct by anticipation, not indeed constitutionally but morally, to obligations as stringent as those of legal instruments

upon private persons. The pledge to the Scottish people was, I conceive, as real and binding as the pledge to the fundholder. Such a change as has been supposed would, then, virtually, be a breach of covenant; and, therefore, it is not option or discretion, but plighted faith, which entails upon the members of the legislature individually the duty of giving support to the Scottish Church: just as we have ever contended in England, that Dissenters are bound to pay Church-rates, irrespective of their approval or disapproval of that worship which such payments are intended to maintain. I know, therefore, no clear contingency in which the State would be morally at liberty to retrace its steps, unless upon the free conviction of the people of Scotland. I do not say that none such could by possibility occur, only because the conduct of States will scarcely admit of the application of so rigid a proposition.

13. As respects, however, the mass of persons now conversant with our civil affairs, and the average of principle prevailing among them, the difficulty does not now arise. There is little specific idea of religious unity among us, except a concurrence in certain doctrines, and outward separation is deemed by many a circumstance of secondary importance. Some persons of sincere piety do not object to consider themselves as members both of the English and of the Scottish Church, according as they may happen to reside, at different seasons of the year, south or north of the Border. And no man can think that the personality

of the State is more stringent, or entails straighter obligations, than that of the individual. I can hardly, therefore, expect any strong sense of the need of explanations upon this subject to be generally entertained; but there is every reason to believe, that, as the minds of men are drawn to the question at large, they will become more and more alive to the existing anomaly and its consequences.

14. Under the Act of Union, then, the Church Establishment of Scotland has been recognised as entitled to pecuniary assistance from the State, by actual grants during the present century, for the erection of Churches and for Church-schools, in which the Assembly's Catechisms are taught; as well as by a very general recognition in our colonies, and likewise in certain regiments of the army presumed to belong to her communion. Further, in reference to some efforts, recently made by her ministers and members, especially her gifted professor of divinity in Edinburgh, Dr. Chalmers, it was at one time understood (I think in 1837) that her Majesty's government were disposed to devote the bishops' teinds of that country, which are now the property of the crown, to the object of extending her religious ministrations in country parishes, where the means of pastoral care are insufficient for the existing population.

15. But she has a still more unequivocal support under the Acts 50 Geo. III. c. 84, and Geo. IV. c. 72, by which it is provided, that whenever the teinds fall short in any parish of the sum of 158*l.* 6*s.* 8*d.* (of

which amount 8*l.* 6*s.* 8*d.* is allotted on account of the elements for the Communion), that sum shall be made up from the Exchequer. There are 196 parishes of Scotland which fall within the terms of these statutes, and they appear to receive aid to the amount of between 16,000*l.* and 17,000*l.* annually, which may be taken as representing a capital of nearly half a million. If we join to this the grants for other ecclesiastical purposes, it would appear that the Church of Scotland has received from the State, during the present century, in proportion to the extent of her communion, a considerably greater share of pecuniary assistance than the Church of England.

16. In the British navy, as I believe, there is no recognition of any other worship than that of the Established Church, and no permission, even to Roman Catholic sailors, to absent themselves from its habitual celebration on board ship. It is, I suppose, the necessity of local concentration, and the isolated position of a ship's company, which have thus preserved the rigid principle of uniformity; and together with the fact that an insignificant proportion of the men belong to any other communion than that of the Church, have prevented the existence even of any desire for an exemption from attendance, or for leave to repair, where practicable, to any separate worship. To determine accurately the merits of the present practice would require considerable discussion and detail; my present object is to note facts.

17. In the British army the practice is, it appears,

somewhat more diversified. Under the general orders of the service,* Roman Catholic soldiers have for some time been everywhere exempted from attending the service of the Church. In Ireland their officers resort to their chapels in company with them, in order to prevent their being tampered with by political harangues; but the precaution hardly meets the supposed necessity, as the sermons are often in Irish. There was until recently no similar exemption for Protestant Dissenters; probably because no rule of their religious communities in general forbids their attendance at the worship of the Establishment; but in July, 1839, an order was issued forbidding the exacting of compulsory attendance from any soldier of a persuasion other than that of the Church.† At each military home station divine service is performed by local clergymen of the Church Establishment, in England; and in Scotland, either by those of the Establishment, or of the Episcopal Communion, as the regiment may be Scotch or English. Episcopalians and Roman Catholics were entitled, in Scotland,

* General Regulations and Orders of the Army, p. 240.

† The following order has been issued by the Horse Guards:—"Horse Guards, July 10, 1839.—In reference to the instructions contained in page 240 of the General Regulations and Orders of the Army, the General Commanding-in-chief desires that commanding officers of regiments and depôts will be particularly careful that no soldier, being a Roman Catholic, or of any religious persuasion differing from the Established Church, shall be compelled to attend Divine worship of the Church of England; and that every soldier shall be at full liberty to attend the worship of Almighty God, according to the forms prescribed by his own religion, when military duty does not interfere. By command of the Right Hon. General Lord Hill, Commanding-in-Chief.—JOHN MACDONALD, Adjutant-General."

before the recent order, to repair to their respective Churches. The troops stationed in the forts in Scotland are allowed the services of a Presbyterian clergyman at the public expense. Thus it would appear that the principle of the army is, a full toleration of all Dissenters; a recognition of the Established Church of Scotland in Scotland, of the Church of England generally.

18. To continue our review of public institutions: I am not aware that in the prisons or the workhouses of England, any persons have been, or, under the provisions of the existing laws, could be, up to the present year,* entertained as officers belonging to the establishments in any spiritual capacity, except clergymen of the Church of England. The ministers of other persuasions are generally admitted to attend those who desire their aid, with more or less of freedom, according to the nature of the institution and its management. At Milbank Penitentiary, for instance, which is a prison, and a correctional one, Roman Catholic priests are allowed to attend Roman Catholic prisoners in the cases when a desire to that effect is expressed, and the same liberty is also given to Protestant Dissenters under the provisions of the Gaol Act. The Roman Catholic prisoners, however, in a large majority of cases, willingly and even gladly receive the instructions of the chaplain, and attend the worship of the Church; some partake of the Holy Communion according to the Liturgy, to which, I

* 1841. (Note to fourth edition.)

should add, they are not admitted until after expressing a desire to renounce the peculiarities of Romanism. During the sessions of Parliament for 1838 and 1839, a clause was introduced, in the House of Commons, into a bill for the management of prisons, authorising the appointment to gaols, under certain circumstances, of ministers not belonging to the Church; but the bill was lost at an early stage, in the Upper House, in 1838, and in 1839 it was returned to the Commons without this particular clause, where it proceeded, and in due course became law.

19. The aid of the State was given in England up to the year 1839 to schools of two kinds; namely, to those in connection with the Incorporated National Society, and those under the British and Foreign School Society. The former follow Dr. Bell, the latter Lancaster. The former give a definitively Church education, teaching the catechism, using prayer, and requiring attendance at the public worship of the Church; the latter adopt the Bible as their basis of religious instruction, and they ostensibly renounce exposition of a controversial, or what should rather be called a doctrinal kind; this line, however, is far from being accurately observed in practice. An Unitarian witness made complaints, before a Parliamentary Committee in 1834,* to the effect, that certain general doctrines of Christianity were made part of the subject-matter of instruction, in the central School of the

* Report of a Committee of the House of Commons on Education, in 1831. Evidence of the Rev. Samuel Wood, Qu. 2123—2126.

Society. Upon the subject of the Church, however, it is understood that nothing is taught affecting the differences and separations that exist in this country, which may be termed nothing absolutely. They do not recognise distinctions of religious communion ; nor, as I believe, a form of prayer. There are schools in connection with them, conducted by Unitarians, and where therefore the teaching probably does not exceed their very narrow schedule of Christian doctrines. The principle of this grant for schools is greatly short of a full Church principle, and yet does not positively contravene it ; mainly, because it absolutely disclaims all sectarian teaching ; secondarily, because schools are not so entirely appropriated to religion as to require the whole system of the Church in the same degree with those institutions which have no other end, and are the paramount means for the attainment of that end. I have adverted elsewhere to the distinction between teaching a part which is avowedly separated by its own act from the whole, and between teaching a part as introductory to the whole. The first practice is essentially wrong ; the second may not be so, though it may be in peculiar danger of becoming so. It has been supposed* that half the children in the British and Foreign Society's schools may be members of the Church of England ; they are of course instructed in a part only of what they should believe and know. It remains, however, indisputably true, that the only full scheme of instruction in religion re-

* Report on Education for 1834. Evidence of Mr. Dunn, Qu. 295—297.

cognised under the Parliamentary grant, within the limit I have named, was that of the National Society, which is likewise that of the Church.

20. In the year 1839, however, a plan of education was proposed to Parliament by the administration of the day, which subsequently underwent very large modifications. Its objects, in the form which after much discussion it had assumed, when it received an uncontested vote of the House of Commons for 30,000*l.* during the Session of 1840, were apparently distinguished from those of former grants up to 1838, in these two principal particulars, neither of them, I conceive, fairly open to exception: namely, that it was intended

1. To establish an efficient system of inspection, with a due regard, as far as concerned the schools of the Church, to the authority of her spiritual rulers.
2. To provide for the cases of localities, which from destitution might be positively unable to raise the quota previously prescribed as an indispensable condition of the aid of the government.

The sum specified in this vote was also to provide for Scottish schools upon similar principles, and to aid in the establishment of normal schools. It was to be administered by a Committee of Privy Council instead of the Board of Treasury, a change of management which seemed to betoken a transition from the fiscal to the higher or political character, and to enlarge by natural implication the sphere of the agency of the

State in the matter of popular instruction. Facts have not yet transpired to enable us fully to determine, whether it is intended by this committee to grant aid irrespectively of religious differences: and the question, which has excited the greatest popular jealousies, cannot up to this time be regarded as having assumed its final form.

21. The next item which I have to notice, is one which has the appearance of involving more decidedly a deviation from the Church principle; it is a small vote taken annually in the estimates for the benefit of Protestant Dissenting ministers, and of poor French refugee clergy. The latter part of this grant (which amounted for 1838 to 3,195*l.*) is so evidently charitable, that it can hardly raise a question. As regards the former portion, it is put in charge of trustees belonging to the several bodies entitled the Three Denominations, one of which is now really, though not by distinct profession, Unitarian. It still retains the Presbyterian name. Recently there was a movement out of Parliament among some of the Dissenters in favour of the discontinuance of this vote; the trustees immediately protested, and gave their reasons. From these it appeared, that the vote operated rather by way of charity to the individuals, than of effective support to congregations. This plea, however, might be considered as terminating with the lives of the present holders; but, in point of fact, it appears that the money given was originally a part of the private bounty of the Crown, which Parliament inherits in virtue of the civil-list

compact, and which therefore must rather stand in the light of a debt than of a spontaneous gift, with reference to those from whom at the present time it immediately proceeds. A small portion of the House of Commons divided against the grant in the year 1838, as an infringement of the voluntary principle; a very large majority passed it.

22. I have now enumerated the public acts and practices immediately bearing upon the question of Church and State within the borders of England. Negatively, indeed, much more is suggested to the mind. While such masses of our population lie in darkness, and without access to the ordinances of the Church, much might be said upon the melancholy truth, that the legislature is sadly neglectful of its duty in not making any effort towards supplying that deficiency from its own resources. Yet this neglect, however unfortunate or blameworthy, is distinct in its nature from positive acts done in contravention of Church principles; and is also more easily reparable. Nor is this the place for the inquiry, by what positive measures the outline of the principle of national religion may require to be filled up.

23. Let us now turn to the realm of Ireland, which, as presenting more serious anomalies, is less easily disposed of. The points for consideration under this head are—the College of Maynooth; the Regium Donum; the National System of Education, together with a brief reference to the Kildare Place Society; the employment of chaplains in gaols; and the ar-

rangement recently established in the new scheme of a Poor Law for that country.

24. The support of the College of Maynooth was originally undertaken by the Protestant Parliament of Ireland, in the anticipation, which has since proved miserably fallacious, that a more loyal class of priests would be produced by an education at home than by a foreign one, and that a gradual mitigation in the features of Irish Romanism would be produced, when its ministers were no longer familiarised with its condition in continental countries where it still remained the religion of the State, or brought into contact with the revolutionary principles then so prevalent in France. Instead of which, it has been found that the facility of education at home has opened the priesthood to a lower and less cultivated class, and one more liable to the influence of secondary motives. It can hardly be denied that this is a well-merited disappointment. If the State gives anything of pecuniary support to Romanism in Ireland, it should, in consistency, give everything. Unless it is bound in conscience to maintain the national Church as God's appointed vehicle of religious truth, it seems that it should adopt as its rule the numbers and the needs of the several classes of religionists; and in either aspect the claim of the Roman Catholic is infinitely the strongest. In amount this grant is niggardly and unworthy. In principle it is wholly vicious; and it can hardly fail to be a thorn in the side of the State of these countries, so long as it may continue. When foreigners express their asto-

nishment at finding that we support in Ireland the Church of a small minority, we may tell them that we support it, on the high ground of conscientious necessity, for its truth ; but how can we evince the consistency which so elevated a principle requires from its professors, while we are bound to support an institution, whose avowed and legitimate purpose it is constantly to denounce that truth as falsehood ? If, indeed, our faith be pledged to the College, by all means let us acquit ourselves of the obligation ; but it is most unfortunate that it should be discharged by annual votes of the House of Commons in a form which, especially while unexplained, seems to make us annually renew the compact, and exhibits at once our jealous parsimony, our lax principles, and our erroneous calculations.

25. As this, however, is a question on which the arguments each way require to be carefully compared together, I will state in detail those historical circumstances which may be urged, at the least with great plausibility, in support of the proposition that the grant to Maynooth College, unless forfeited by distinct malversation on the part of the directors of the institution, is to be regarded as virtually obligatory upon us in good faith, according to the spirit of the Irish Union. Provision is made for its foundation by the Act of the Irish Parliament 35 Geo. III. ch. 21 (1795), which recites as follows in the preamble :—

“ Whereas, by the laws now in force in this kingdom, it is not lawful to endow any college or seminary

for the education exclusively of persons professing the Roman Catholic religion, and it is now become expedient that a seminary should be established for that purpose: be it therefore enacted," &c., that certain parties "shall be trustees for the purpose of establishing, endowing, and maintaining one academy for the education only of persons professing the Roman Catholic religion;" and shall have power to receive subscriptions to enable them so to do, and to purchase lands up to 1000*l.* *per annum*.

And then enacts, in the tenth clause, that 8000*l.* from the supplies for the service of the year may be applied "towards establishing the said academy."

A further sum of 7000*l.* was granted towards erecting the buildings by the Appropriation Act of 1796 (36 Geo. III. ch. 1, cl. 31).

A further sum of 10,000*l.* in 1797 (37 Geo. III. ch. 4, cl. 19), to complete the building, "and for other purposes."

A further sum of 10,302*l.* in 1798 (38 Geo. III. ch. 10, cl. 26).

In 39 Geo. III. ch. 7, for 1799, I find no provision.

In 40 Geo. III. ch. 3, cl. 22, for 1800, 8000*l.* "towards defraying the charge of the full establishment of the Roman Catholic seminary for one year."

26. The Act 40 Geo. III. ch. 85, makes further provision for the government of the seminary. In the Act of 1795 the four principal Judges of Ireland, with a number of Roman Catholics, were appointed Trustees, and invested with visitorial powers. In this Act

the *ex officio* trusteeships are destroyed, and the Judges who had held them, together with the Chancellor of the Exchequer, are constituted *ex officio* visitors. Three Roman Catholics are joined with them in that capacity. They are required to visit triennially, and at other times when ordered by the Lord Lieutenant. But in all matters relating to the exercise, doctrine, and discipline of Romanism, the visitorial powers are only to be exercised by the visitors of that profession.

27. In February, 1807, the Government proposed, and Mr. Perceval objected to, the enlargement of the grant from 8000*l.* to 13,000*l.**

In March, 1807, on the report of the resolution, Mr. Perceval opposed the increase, at greater length; and was supported by Mr. Bankes and Mr. Wilberforce; resisted by Sir John Newport, Mr. Grattan, Lord Mahon, and Lord Howick. Mr. Perceval said, "the united legislature were bound by the principles of good faith to continue the grant."† The increase was carried on that occasion without division.

Mr. Perceval, on his accession to power, reduced the grant to its original amount, and continued it upon that scale.

In March, 1811, Mr. Hutchinson argued for its enlargement, and divided on the recommittal of the Resolution of the Committee of Supply for that purpose, in a minority of 12 to 30.‡

* Hansard's Parliamentary Debates, viii. 937.

† Ibid., 1079.

‡ Ibid., xix. 518.

28. In March, 1812, on the proposal, by the Government, of a grant of 8973*l.*, Sir John Newport moved its increase to 13,000*l.*, and was supported by Mr. Grattan, Mr. Whitbread, and others. He was opposed by Mr. Secretary Ryder, who said, "If this had been the first time of proposing the grant itself, he did not hesitate to say that he would vote against it;" and by Mr. Perceval, who stated, "that he was against the principle of the grant altogether." "He supported the grant as it stood, because it was one of those which the Parliament of Ireland thought wise to preserve at the Union—because *he found it, in fact, given over to England as part of the Union*. If the grant had been fairly open to opposition after the Union, he certainly should have been disposed to restrict it; because he thought, on principle, that it was wrong for a State, endeavouring to establish a particular system of religion, to provide a public supply for the maintenance, encouragement, and propagation of another."*

It was argued in these debates, by those friendly to the extension of the grant, that as Parliament had committed itself to the principle, it should proceed to give it full effect.†

From a return, recently presented,‡ it appears that, in the year 1807, the payment actually made to the Trustees of the College amounted to only 8907*l.*: a

* Hansard's Parliamentary Debates, Session 1813, viii. 1226.

† Mr. Lord's volume, entitled 'Maynooth College,' gives much useful information relating to the whole subject of this grant.

‡ Parliamentary Paper (House of Commons), No. 458, Session 1840.

sum larger, however, by fifteen hundred pounds than the grants of the years from 1801 to 1806, which seem to have amounted invariably to 7384*l*.

Such are the historical details.

29. I have thought that this statement of particulars might be interesting from its bearing upon a question of some moment—namely, how far, in honour, a right of prescription (of course voidable by misconduct,) may be thought, under such circumstances, to have grown up in the course of forty-five years, and by virtue of the Union. With the strongest feelings in respect to the abstract merits of the grant, I cannot but feel, after much reflection, that there is considerable weight in such a plea.

30. The *Regium Donum* is a gift annually voted in Parliament for the partial support of Presbyterian ministers in Ireland; and a portion of the participators are reputed to hold Arian and Socinian doctrines. Such being the case, it will in all probability be very generally confessed, that the grant, were it at our free discretion, is unjustifiable; while, in another point of view, having been originally given to those who believed in the Holy Trinity, it serves to illustrate the difficulty in which governments entangle themselves, when they covenant with arbitrary systems of opinion, and not with the Church alone. The opinion passes away, but the gift remains. The fault was in acting under a condition, whose fulfilment it did not lie within the State's jurisdiction sufficiently to enforce. But its name imports that this grant is one which was

established by the Sovereign, and is inherited by the Legislature of the present day under compact, in a manner much resembling that to the Protestant dissenting ministers of England.

31. We come next to the grants for the Kildare Place Society, and for the National System of Education in Ireland. The former was exactly analogous in principle to the grants now made to the British and Foreign School Society, the difference in detail being, that the Kildare Place Society did not employ the Bible as the exclusive basis of religious instruction. They concurred, however, in the main point, that of precluding instruction in what are termed, somewhat vaguely, peculiar doctrines. As respects the latter, we are here concerned not with its practice, but its principles. Its original object was to encourage, rather than to afford, a joint education to children of all denominations in Ireland in moral and literary instruction. The first branch was to comprise as much of Scripture reading, in the form of extracts, as could be agreed on by a board composed from the several religious denominations of the Church, the Presbyterians, and the Roman Catholics. The funds voted were intended to build school-houses, supply requisites, and afford gratuities to deserving masters. The several classes were also permitted to have the use of the buildings, out of school-hours, for separate religious instruction. A certain portion of the week was to be set apart for that object. The Bible, or any catechisms, subject to the approbation of the members

of the board professing each persuasion respectively, might then be introduced. The idea does not appear to have been that the State should supply the people with an education in Romanism, so far as it can be collected from Lord Stanley's letter to the Duke of Leinster in 1831, which was the basis of the scheme. There have been, however, practical departures from that letter, which ought to have been the charter of the system, of a very important kind, over and above any cases which may have occurred of glaring and punishable abuse. The plan now pursued is, to pay salaries instead of gratuities to the teachers; and the amount of fees and local subscriptions is, I apprehend, very small. The State, therefore, is likely to become the paymaster for the whole instruction, and consequently responsible for the whole. The board have likewise authorised the introduction of the separate instruction during school-hours—another very important deviation, intended probably to conciliate opponents, but not apparently at all removing, probably rather enhancing, the liability to serious objections in point of principle.

32. When the Irish Poor Law Bill of 1837 was under discussion, a division took place in the House of Commons against the clause, which authorised the appointment of chaplains to the workhouses, either of the Established or of the Roman Church, or belonging to some body of Protestant Dissenters; when it was carried by a large majority. In the Bill of the year 1838 there was a similar clause, authorising the

Commissioners to appoint in any workhouse one chaplain of the Church, one of the Roman communion, and one being a Protestant Dissenter, which became law.*

33. By the Act 50 Geo. III., ch. 103, sect. 47, and again by the Act 7 Geo. IV., ch. 74, sect. 68, each and every grand jury may appoint, and are required to appoint, a chaplain of the Established Church of England and Ireland to the several gaols in Ireland; and, if they are required by the Court, to appoint also a Protestant dissenting chaplain; and likewise, if similarly required by the Court, to appoint a chaplain of the Roman Church. This provision has been productive of serious difficulties in practice, which in one case have been brought under the notice of the public.

34. It is fair, however, to observe, that, whatever objection, abstract or practical, may fairly lie against either of the two last-cited Acts in respect of the provisions to which allusion has been made, yet the cases of paupers confined in workhouses, and still more of prisoners immured in gaols, are not to be confounded with those of persons free to act for themselves. They have no pecuniary resources to assist in supporting a minister of religion. They have not even the uncontrouled power of locomotion to resort to one. It is indeed possible to reply, that the latter objection may be met by giving a minister access to the establishment: and that the former would establish a similar claim on behalf of all the destitute throughout the kingdom. Still there remains behind a notion, that

* 1 and 2 Vict. c. 56, sect. 48.

persons confined are not free agents—that they are not therefore competent to exercise an impartial judgment in matters of religion—and that it might be unfair, and in the nature of seduction rather than conversion, to take advantage of their dependent position for the purpose of bringing them over to the Church. There is more of show than substance in such a charge. If no temporal favours follow the reception of the ordinances of the Church, I see nothing to render it impure; but the foregoing remarks may show that if, in a spirit of indulgence, these enactments be made for workhouses and prisons, they do not establish a precedent from which general endowment can fairly be deduced.

35. Under the tenth section of the Act 6 Geo. IV., ch. 87, provision is made for giving public encouragement to the establishment of places of worship in foreign towns, to which British subjects may resort in considerable numbers for the purposes of trade or otherwise. The Secretary of State may order any consul to advance for the support of a chaplain, or towards the maintenance of Divine service, or the expenses of burial-grounds, or towards procuring either a place of worship or a burial-ground (according to the principles either of the Scottish or of the English Church establishments), any sum not exceeding such amount of voluntary subscriptions as may be raised for the purpose at the time, or from year to year. The temporal affairs of congregations thus formed are regulated by the residents, subject to the control of the

consul. The chaplains of the Church of England, who are those usually appointed, are licensed by the Bishop of London.

36. I have now concluded the review of the practice of government throughout the United Kingdom, as respects its regard to the duty of adherence to the faith and communion of the Church. And, chequered as is the picture it presents, we must next contemplate one of a colouring yet more unsatisfactory to the eye which dwells with desire on the picture of religious unity, and on the authority and fixedness of public institutions, as among the human instruments of promoting it. We are now to consider how, throughout the various colonial dependencies of the British Crown, their respective governments, with the corresponding departments at home, are at the present day regulating their conduct with respect to the support and propagation of religion.

37. The diöcesan divisions of these territories are at present arranged as follows :—

1. In North America. The diöceses of Quebec and of Toronto, together embracing the whole United Province of Canada ; of Nova Scotia ; and of Newfoundland, with the Bermudas. The erection of a bishopric of New Brunswick has also been contemplated, but I believe postponed.

2. In the West Indies. The diöceses of Jamaica, with the Bahamas ; and of Barbadoes, including the remaining islands and the province of British Guiana.

3. In the Mediterranean. It is understood to be

contemplated to place a Bishop in some central position, for the care of the numerous British Churches planted both in the colonies or posts which we occupy, and in the territories of other sovereigns.

4. In Australia. A bishopric was erected in the year 1835. The enterprising persons who projected the colonisation of New Zealand, by a bill in 1838, proposed to enact that a Bishop should be appointed for those islands; and arrangements are now in progress for giving effect to this design.

5. In the East Indies, the bishopric of Calcutta has been divided, and two additional sees erected, in Madras and Bombay, for those Presidencies respectively.

38. The full or partial recognition of any diocesan authority other than that of the National Church by the mother-country, appears to be confined to the cases of the Ionian Islands, Malta, Gibraltar, Lower Canada, Trinidad, and the Mauritius; none of which were colonies founded by England, and in all which, on coming into possession of them, we found an already existing ecclesiastical organisation. Pecuniary aid is, however, given to bishops or vicars-general of the Roman communion in Newfoundland, Upper Canada, New South Wales, and Van Diemen's Land. In none of these cases (except one item of 75*l.* *per annum*) do the funds proceed from the British Treasury. The Dutch form of religion is supported at the Cape, and in one or two other colonies, upon the same principle, I apprehend, as that which applies to the first of the two classes just mentioned.

39. It should, however, be remarked, that although

the colonies are more spotted than the United Kingdom, with the recognition of religious diversities in the ecclesiastical policy of the State ; yet, on the other hand, we have not the same degree or perhaps kind of responsibility to them, which we have towards the people at home, because they are not placed in the same closeness of natural union and dependence. The relations in which we stand to the subordinate formations generally, are very different from those subsisting between the ruler and the subject among ourselves. The power of the State to retain them in political connection with this country is much smaller, nay, the right is very much less determinate, than those which it possesses over all persons residing within, what may with much propriety be termed, the natural limits of these realms. Those, who repair to them, often do it under such circumstances, and such a sense of civil equality, and with such inadequate instruction respecting the Church, that they do not brook the idea of what they erroneously deem a preference given to a particular scheme of mere opinions for political purposes. In all which is now to be set down, there is no blame intended, generally speaking, to what has been merely permitted ; but only where there has been a sacrifice of our own national conscience, by a moral participation in the doing of what its laws must have condemned.

40. It must also be observed, that there are real and important distinctions to be taken with respect to the varieties of relation between our several colonies

and the mother country. Such of them as are only the adoptive children of the empire, and have been received into it when already adult, with their own fixed institutions, or at least with a prevalent religion other than that established at home, are very differently circumstanced from those which have gone forth from our own bosom, and have been reared by us from infancy. To refrain from rooting up what we have found enjoying an actual existence, both in the law and in the formed convictions of the people, is very distinct from encouraging or assisting that which is newly proposed, and much more from being ourselves the authors of fresh diversities. The secular rights of the Roman Catholic Church in Lower Canada were a part of the original contract by which we hold the province, in this case a real treaty. And this admission does not involve any answer to the inquiry, whether such a contract ought to have been framed. The distinction in principle will not apply, where we have given State assistance as from ourselves to the Roman Catholic religion, or any other not included in the compact of the constitution.

41. The principle upon which alone, as I apprehend, our colonies, speaking generally, can be governed, is that of preserving the good will of their inhabitants. The highest function of the State with regard to them seems to be this; to arbitrate among the different elements of which their societies are composed, and gently to endeavour to give a moral predominance to the nobler over the meaner of those

elements. We must frankly recognise such limits to the moral action of the State, as the actual nature of things seems itself to impose. A partial and defective form of political association will not bear to be charged with that vigour of vital circulation, which belongs to it only when entire. Still, let us observe these rules : to maintain the moral dignity of example ; to aim at distinguishing between that which belongs to the principles of the constitution, and that which upon the responsibility of others it allows ; and so far as we exercise a really sovereign function, to remember that we are bound by the most solemn obligations to promote the extension of true religion.* I now proceed to details.

* I cannot withhold from the reader the following extract from a speech of the Bishop of London, delivered to a meeting of "merchants, bankers, and traders," at the Mansion House, April 8, 1840:—

"Every nation having a distinct political existence of its own is one province of God's universal empire, entrusted by the Supreme Ruler of the world with certain powers and functions, in order to the furtherance and final accomplishment of that great design of mercy, upon which all His providential movements have a sure, though, perhaps, an unseen bearing—the sanctification and final salvation of mankind. The operations of human governments, their laws, their enterprises, have, indeed, only a visible reference to time, but their effects must extend to eternity. The true glory of a nation, its stability and chances of prosperity, are, in my opinion, to be measured by the degree in which it answers the purpose of its institution, and that purpose is the happiness of mankind ; and surely the happiness of mankind is to be measured by the place which they occupy in the scale of Christian knowledge and Christian practice. And let it not be said, that the duty of a Christian government in this respect is to be limited within the narrow bounds of its domestic territories. Let it not be said, that we have enough to do to provide for the Christian interests of our people at home, without troubling ourselves as to the spiritual state of those who go to a distance from us. If the wall of waters which seems to say to the ambition of an insular people, 'Hitherto shalt thou come, and no further,' be itself the means of conveying their fleets and armies to the most distant corners of the globe, and thereby establishing

42. The following table* presents an authentic statistical account of the pecuniary support afforded to religion in the colonies under various forms of profession, up to the year 1839: a separate table will exhibit the case of our East Indian empire. No later information has been supplied to Parliament.

a dominion which now interlaces itself, as it were, with the dominions of every existing empire in the world, is the government of that State exonerated from providing for its subjects that which to them is the one thing needful, but which they have not the means of providing for themselves? Is this a doctrine to be maintained in a Christian assembly? What! are the distant members of an empire to be separated and dissociated from its head in that which ought, on the contrary, to be the very principle of vitality of the whole, the enduring bond of connection? Shall no genial influences flow from the centre to the circumference of the national system, when the whole ought to be instinct with the same life and filled with the same energies? If these distant and less regarded extremities of the body politic become diseased, and at length mortify, perhaps, and fall off, or are amputated, what is usually the cause? Why, it is that the true life-blood of the nation is not propelled from the nation's heart, to circulate freely through its extremities. Yes, my Lord, it is even so: it is not the remembrance of a common origin, the tie which binds the exile to his father-land, but which becomes weaker and weaker as generation follows generation; it is not the use of a common language; it is not the sense of advantages resulting from commercial relationship; it is not the dread of superior power;—it is not any, nor all, of these that can surely perpetuate the filial connection which binds a colony to its parent State. No, my Lord: it is rather the tie of a common religion and a common Church; it is the holy brotherhood of faith; it is the clanship of the temple and the altar; 'one Lord, one faith, one baptism;' a community of opinion and of feeling on the most interesting and important subjects that can occupy the human mind, preserving the unity of the spirit in the bond of peace. Look, my Lord, for a moment to the result of experience. What was the case with our American colonies? When they threw off their allegiance to the British Crown, the persons who, to the last, maintained their fidelity, and sacrificed all to their loyalty, were the true, faithful, sincere, devoted members of the Episcopal Church, the Church of their fathers' home."

* Parliamentary Paper, Session 1839 (12th February), No. 55. I believe there was a provision, amounting to about 700*l.* annually, for the Wesleyans in Upper Canada, which has been omitted from this table.

No.	COLONY.	Church of England.	Church of Scotland.	Dutch Church.	Church of Rome.	TOTAL.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1	Gibraltar	745 7 4	..	..	300 0 0	1,045 7 4
2	Malta	826 17 6	..	..	..	826 17 6
3	Ionian Isles	685 0 0	..	..	91 0 0	776 0 0
4	Heligoland . . . . .	..	..	270 0 0	..	270 0 0
5	Sierra Leone	586 0 0	..	..	..	586 0 0
6	Bathurst, River Gambia	400 0 0	..	..	..	400 0 0
7	Cape of Good Hope	2,313 15 0	200 0 0	5,547 2 2	200 0 0	8,260 17 2
8	Mauritius	1,373 12 0	..	..	2,595 0 0	3,968 12 0
	Diocese of Quebec:					
9	Lower Canada	4,507 0 0	200 0 0	..	2,000 0 0	6,707 0 0
10	Upper Canada	7,476 15 10	1,482 0 0	..	1,600 0 0	10,458 15 10
	Diocese of Nova Scotia:					
11	Nova Scotia	6,074 5 7	75 0 0	..	..	6,149 5 7
12	New Brunswick	541 8 4	50 0 0	..	50 0 0	641 8 4
13	Prince Edward's Island	165 0 0	..	..	..	165 0 0
14	Newfoundland	392 17 2	..	..	75 0 0	467 17 2
15	Bermuda	1,815 2 8	66 13 4	..	..	1,881 16 0
	Diocese of Jamaica:					
16	Jamaica	36,610 0 0	683 6 8	..	550 0 0	37,843 6 8
17	Bahamas	2,087 16 6	700 0 0	..	..	2,787 16 6
	Diocese of Barbadoes & the Leeward Islands:					
18	Barbadoes	10,866 13 4	..	..	..	10,866 13 4
19	Grenada	1,785 13 3	..	..	..	1,785 13 3
20	St. Vincent's	1,736 1 8	..	..	..	1,736 1 8
21	Dominica	467 15 0	..	..	..	467 15 0
22	Antigua	4,342 0 0	..	..	..	4,342 0 0
23	Montserrat	660 0 0	..	..	..	660 0 0
24	St. Christopher's	1,880 17 6	..	..	..	1,880 17 6
25	Nevia	113 0 0	..	..	..	113 0 0
26	Tortola and the } Virgin Islands }	250 0 0	..	..	..	250 0 0
27	Trinidad	1,854 10 10	..	..	3,262 0 0	5,116 10 10
28	Tobago	713 0 0	..	..	..	713 0 0
29	St. Lucia	427 15 0	..	..	..	427 15 0
	British Guiana:					
31	Demerara and Esse- quibo	12,118 15 0	3,029 0 0	585 14 4	1,370 5 8	17,103 15 0
32	Berbice	7,290 19 0	1,745 0 0	..	540 5 8	9,576 4 8
33	Honduras	922 0 5	..	..	..	922 0 5
	Diocese of Australia:					
34	New South Wales	8,596 7 0	700 0 0	..	1,830 0 0	11,126 7 0
35	Van Diemen's Land	4,978 4 0	400 0 0	..	300 0 0	5,678 4 0
36	Western Australia	300 0 0	..	..	..	300 0 0
37	Southern Australia	250 0 0	..	..	..	250 0 0
38	Ceylon	7,319 11 0	..	483 8 0	..	7,832 19 0
39	St. Helena	946 10 0	..	..	..	946 10 0
		134,450 10 11	9,967 6 8	6,886 4 6	14,736 11 4	165,431 6 9
	Cape of Good Hope (<i>vide</i> No. 7) Wesleyan Minister					75 0 0
	Upper Canada (<i>vide</i> No. 10) United Synod					636 6 8
	Jamaica (<i>vide</i> No. 16) Wesleyan Chapel (voted by House of Assembly)					500 0 0
	Jamaica (<i>vide</i> No. 16) Baptist Chapel (ditto)					600 0 0
	Jamaica (<i>vide</i> No. 16) Jews' Synagogue (ditto)					1,000 0 0
	GENERAL TOTAL					168,242 13 5

43. This table, however, if taken alone, is far from affording complete information with respect to the ecclesiastical policy of England in her colonies; and I shall add some of the more important details, commencing with the recently united provinces of Canada.

Mr. Pitt included in the Constitutional Act of 1791 a provision (in conformity with the tenour of ancient instructions to governors, to promote everywhere the worship of the Church), that one seventh part of all wild lands in those colonies should be reserved, in the progress of survey and settlement, for the use of "a Protestant clergy;" and the crown was also empowered by a separate clause to create rectories of the Church of England, endowed with ecclesiastical rights.

44. It was at the same time provided, that the Roman Catholic clergy should continue to receive tithe as theretofore, except that it was to be only payable by persons adhering to their own communion. From this source they are stated to derive a very liberal provision. They have also been in the receipt, from the time of the conquest, of a considerable amount annually, arising from seignorial rights exercised by the seminary of St. Sulpice over a large and valuable territory, which includes the island and city of Montreal. Some lawyers have given an opinion, that this body had acquired by prescription an equitable title to these domains; others have contended, that they had no proprietary rights whatever to the income which they thus realised. By an ordinance of June,

1840,* passed in the face of great opposition from the local population of British origin, and now confirmed, the title has been legally established, the ecclesiastics of the seminary incorporated, and provision made for the commutation of all the feudal dues upon terms which, as is stated, will largely increase the actual revenues of the seminary. The Roman Catholic Bishop of Quebec receives 1000*l.* annually from the funds of this country; a payment which is to terminate, I believe, with the life of the present incumbent.

45. With respect to rectories of the Church of England, a small number exist in Lower Canada; and, in the Upper Province, fifty-six were constituted by instruments under the great seal, during the administration of Lord Seaton.† Glebes, averaging about 400 acres of wild lands, were assigned to each. The legality of their title was questioned, and has been established.

46. For many years after the passing of the Act of 1791, the wild lands reserved were of little value, and it was assumed that in conformity with the general tenour of colonial practice, they would be enjoyed by the Church of England alone. But in the progress of time they became intrinsically of more importance, and the agitation of many political questions between the colonies and the mother country gave rise to many new claims affecting them. First, a demand was

* Parliamentary Paper, Session 1841, No. 13, Ordinance 164.

† Ibid., 391, Session 1836. History of the Church in Upper Canada, by the Rev. W. Bettridge. 1838.

made on the part of the Church Establishment of Scotland to a part proprietorship; then other sects also advanced similar pretensions on their own behalf; while the democratic party in general were much more inclined to devote all the proceeds to the purposes of general education. Some persons in Upper Canada were strongly of opinion, that all Protestant denominations should have a share, but that the Church of Rome should be strictly excluded. It would be a waste of time to detail the varied schemes which were proposed and pressed upon the home governments, for the final disposal of the lands. Their general effect was to bear witness, that the principles of national religion had not been transplanted with any of their original vigour from Great Britain into the provinces she still retains in North America, more than into those which she lost in the last century.

47. In the mean time an Act of the year 1827 had given power to sell one fourth of the lands, to fund the proceeds, and to apply the interest arising therefrom to the originally contemplated purposes. About five years ago a portion of this interest began, in Lower Canada, to be employed for the support of Presbyterian ministers. A part also of the unsold lands was leased. Still all parties, the small (though highly respectable) minority* which supported the exclusive claim of the Church, or of the two Establishments, included, concurred in declaring, that some measure of a legislative description, embodying a definitive ar-

* See, for instance, Chief Justice Robinson's 'Canada and the Canada Bill.'

rangement under imperial authority, was absolutely necessary for the peace of the Province of Upper Canada. On the part of the Church it was felt, that, presuming her title to be clear in equity, still the unproductive state of the great bulk of the property, and its apparent magnitude in the jealous eye of the colonial public, made it desirable by any reasonable sacrifice of extreme rights to bring it into a form less disputable in point of law, and more available in practice.

48. During the parliamentary session of 1840 a colonial act was sent home from Upper Canada, providing for the sale of the whole of the reserve lands, and for their division among all the religious bodies whose existence was noticed in the statutes of the colony, according to their estimated numbers. The Act likewise contained provisions for subjecting the proceeds of the sales of such reserves as had already been disposed of under the Imperial Act of the year 1827 to the same law of distribution, and for investing the entire proceeds in the public securities of the province.

The rule of division was to be as follows:—one-fourth to the Church of England; one-fourth to the Scottish and all other Presbyterians; and one-half to the remaining bodies, of which the Romanists and the Wesleyans were the most considerable. The measure contained no recognition whatever of any rights created under the Act of 1791; and the Governor, in transmitting the Act for approbation at home, declared that he could not have been sanguine

enough to anticipate a settlement so highly favourable to the Church.*

49. The House of Lords, upon the receipt of this measure, referred several questions for the decision of the Twelve Judges; and their unanimous reply declared the existing law to the following effect:—

1. That the terms “a Protestant clergy” did include clergy other than those of the Church of England; and specifically, the clergy of the Scottish Church establishment; nor would they declare that no others were comprehended in the term, though they were not aware of any so recognised on the Statute Book.
2. That lands already appropriated could not be affected by any colonial enactment, nor could the investment of the proceeds of lands sold under the Act of 1827. With respect, therefore, to both these enactments, the legislature of Upper Canada had exceeded its powers.†

50. The effect of this reply was twofold: first, greatly to weaken, in point of law, not only the claim of the Church of England, but even the joint claim of the two establishments, to the exclusive enjoyment of the reserves; secondly, to require the abandonment of the Colonial Act. Accordingly, on the one hand, a new bill was introduced by the administration, providing for the same objects in nearly the same manner; and on the other, a proposal was made by the

* Parliamentary Paper, No. 148, Session 1840, p. 2.

† Ibid. (Lords), No. 109, Session 1840.

Metropolitan, (who had given notice of a motion in the House of Lords to address the Crown for the purpose of precluding its assent to the Colonial Act,) for the accommodation of the question, by surrendering a portion of what had been esteemed just rights of the Church, but which had now been by the highest legal authority either disproved or at least rendered unavailable. The Colonial Secretary declared in the House of Commons his acceptance of the arrangement, and a bill was framed to the following effect:—

1. That all the reserves should be sold.
2. That the proceeds should be invested in colonial securities.
3. That the proceeds already realised, or to be realised, under the Act of 1827 should be divided into three parts, whereof two should belong to the Church of England and one to the Church of Scotland.
4. That all other proceeds of reserves should be divided into six parts, whereof two should belong to the Church of England and one to the Church of Scotland.
5. That the remaining moiety of this class of reserves should be applied by the Governor in Council “for the purposes of public worship and religious instruction in Canada.”
6. That the amounts at present receivable by the churches of England and Scotland respectively should be secured to them upon the Consolidated Fund of this country, until met by the funds arising from the sales of reserves.
7. That reservations for the future should cease.

51. The principal proposals made during the discussion in the House of Commons in a view friendly

to the Church were, 1. That Lower Canada should be included in the measure. 2. That the proceeds of sales should be invested at home. 3. That the application of the moiety of reserves of the second class surrendered to the colony should be left indefinite, by the omission of the words "for the purposes of public worship and religious instruction" in Clause 7, and of the corresponding words in the preamble.

The first proposal was agreed to. The second was rejected. The Colonial Secretary replied to the third, that the words in question had been approved by the Metropolitan, and it was negatived without a division.

52. The measure became law with the general concurrence of all parties. In my opinion it was just, that the State should refuse to cancel any of the equitable or inchoate rights, which could be shown to have arisen under the Act of 1791, without the consent of parties; and it was wise, that those, who are specially entitled to act for the colonial Church, should purchase a clear definition and a full legal settlement, as well as relief from most painful contentions, by agreeing to forego a portion of what, even if real, was undefined and incapable of strict definition. That the colony should have desired this surrender, of course I must consider a circumstance most unfortunate for its permanent well-being.

53. It has been much questioned, what was the original intention of Parliament with respect to the appropriation of the reserves. The records of the year 1791 do not seem to afford us the means of arriving at

a satisfactory solution. Any argument, however, in favour of the exclusive claim of the Church must have rested, I apprehend, more upon the analogy of our usual policy with regard to religion in our colonies, than upon the legal interpretation of the language of the statute or any known views of its framers. Indeed, as respects the former, the opinion of the law officers of the Crown declared, so early as the year 1819, that the terms of the Act included the Church of Scotland.

54. According to the latest accounts,* about 2,400,000 acres of land had been reserved in Upper Canada: of these about 500,000 had already been sold at prices payable by instalments, from which may possibly be realised, on the average, about ten shillings an acre. It is understood, however, that great part of the best lands are among those already disposed of. The Church of England should ultimately receive the proceeds of about 1,000,000 acres. The amount of reserves in Lower Canada is comparatively small.

55. I apprehend that the revenues accruing to the Church, or to religion in other forms, in our North American colonies, as they are stated in the table which I have given, form no part (with the exception of Upper Canada, and of some items altogether trifling elsewhere) of the ordinary public expenditure, but are supplied from British funds. There are, however, in some of them, and there have been in others, indica-

* Parliamentary Paper, 205, Session 1840, p. 159.

tions of an intention on the part of the mother country to provide for the Church. For instance, there were in Prince Edward's Island certain Church lands, in the proportion of 130 acres to each township of 20,000. Instructions were sent out from the Colonial Department during the summer of 1835, to the effect that a plan should be proposed for selling these lands. The Assembly and Council passed a bill not only directing the sale of the lands, but appropriating the proceeds to the purposes of general education. This bill received the royal assent in the year 1836. On a remonstrance from the Society for the Propagation of the Gospel, the Society was informed that the royal assent had been given to the bill under an erroneous impression, that the Colonial Act was in conformity with the instructions of the Department. There still exist lands set apart in New Brunswick, and also in Nova Scotia, for religious purposes, amounting together to about 80,000 acres. These are deemed to belong to the Church; but their present value is extremely small, and a limited portion only is occupied. I believe, too, that some grants of this kind have been made to Scotch Presbyterians. Large sums have, however, been voted by the colonial legislatures for the purposes of education; nearly 10,000*l.*, for instance, in 1836, by the Assembly of New Brunswick, and 31,000*l.* in the same year by that of Lower Canada.

Land has been granted by the government in Newfoundland for the erection of a Romish cathedral; and it is stated by parties connected with the colony, that the contributions of the members of that communion

to the support of their bishop and clergy reach not less than 6000*l.* or 7000*l.* annually.

56. Before the year 1831, the Society for the Propagation of the Gospel received, by annual vote of Parliament, 16,000*l.* for the support of the Church in North America. In that year it was determined by the Colonial Department, that the parent State should no longer bear the expense of establishments of religion for the colonies; and accordingly that the vote should be withdrawn at the rate of 25 per cent. annually; the effect of which would have been its total extinction in 1835. Lord Stanley, however, while Colonial Secretary, made an arrangement for continuing the vote at the rate of 4000*l.* annually, subject only to gradual diminution as the missionaries in receipt of it might die or resign. For 1838 it amounted to 3500*l.*, which was applied, through the Society, entirely to the colony of Nova Scotia. There is little doubt that the liberality of Parliament in former years tended in some degree, in the colonies themselves, to paralyse the sense of their religious responsibilities.

57. As respects the West Indian colonies, two bishops, and a certain number of clergy, are provided for them by an Act of the Imperial Parliament passed in the year 1825. No funds are either annually voted by Parliament, or given by any Act, for the support of any other religious denomination in the West Indies. A vote, however, was taken in the year 1835, for the promotion of "moral and religious education on liberal and comprehensive principles," in compliance with the terms of the fifth parliamentary resolution of 1833 for

the abolition of slavery. The amount was 20,000*l.*, and it was distributed indifferently to the societies connected with the Church of England, to those acting for different bodies of Protestant separatists, to the Presbyterians, and to the trustees of the Mico charity, who proceed upon the plan of the British and Foreign School Society in England. They have very large funds at their disposal, which have accumulated under a bequest more than a century old, originally given for the purpose of redeeming negro slaves. In the principle of this distribution the Church has been placed on a level with all other religious bodies having organs with which the government could negotiate. Its details have been such as considerably to limit her agency. The Society for the Propagation of the Gospel offered in 1835 to expend 10,000*l.* on schools, to meet as much from the government fund. The dissenting societies only tendered one-third of the total expence to be incurred. The government, however, took the worse terms, and thus produced by the 10,000*l.* a total outlay of 15,000*l.*, instead of 20,000*l.*, which it would have been had the proposal of the Propagation Society been accepted.*

58. An examination of the table which has been given above will show that the West Indian colonies (not including the Mauritius) are those in which the principle of State religion has met with the greatest degree of acceptance. Their population may be taken, I apprehend, for the year 1838, at less than 900,000; and the amount of public annual contribution to reli-

* Report on Negro Apprenticeship, 1836, Qu. 5602—5607.

gious purposes appears to be 100,574*l.* 5*s.* 10*d.*, a very great proportion of which sum is charged upon the colonial expenditure. British Guiana, with a population of 100,000, pays no less than 26,679*l.* 19*s.* 8*d.* Let us contrast with these the case of the North American provinces, where the population, exclusive of the French of Lower Canada, must amount to 1,200,000, and where the whole amount of pecuniary aid from government to religion reaches only to 18,618*l.* 13*s.* 7*d.*, of which more than half is paid by the British nation.

59. In twelve of the West Indian colonies the public funds appear to be devoted to the support of the Church exclusively. These, with the exception of Barbadoes, are such as have a small population. In Jamaica alone, I believe, of all British dependencies, there is a vote for the Jewish Synagogue. I find, in the last speech of the Governor, Sir Charles Metcalfe, to the Assembly, delivered on December 22, 1840, the following passage:—"I have great pleasure in observing that you have made many grants towards the erection and extension of churches, chapels, and schools, as well for congregations of dissenting Christians and the Church of Rome as for those of the churches of England and Scotland. Such grants are honourable to yourselves, and cannot fail to be attended with benefit to the community."

60. Our establishments in the Mediterranean require but a very brief notice. The colonies there situated are chiefly to be regarded as military posts. We have no such natural fusion of social feelings or

even interests with them, as to enable us to procure the blessing of religious unity. The general policy of the State has been to recognise and allow, without alteration, what we have found in actual possession. The name of Malta, however, suggests a more difficult question; that, namely, connected with certain tributes of respect which are paid by the government to Roman Catholic festivals in the shape of military salutes: they appear to involve a participation on the part of our soldiery in practices disallowed by our Church, and to be but ill reconcileable with the claims either of national or of personal conscience.

61. The Greek Church is the public establishment of the Ionian Islands. It has no less than 2242 churches and chapels, and 898 priests (1837). There are also thirteen Roman churches; and the entire population is stated only to amount to 205,000. It may be right to mention that there have been at different times certain marks of communion between the Oriental churches and that of our own country,* although it cannot be said practically to subsist.

62. The still infant settlement of Western Australia is fed by a parliamentary vote, in which is comprised a provision for a colonial chaplain. In South Australia, which has up to this time been governed under

* Palmer on the Church, part i. ch. ix. sect. 1. So recently as during the last autumn, one of the secretaries of the Society for Promoting Christian Knowledge visited the Oriental Churches with commendatory letters from our prelates, and was received with kindness, especially in Greece. In consequence of this mission the Society is to print the Scriptures, the Homilies of Saint Chrysostom and Eusebius, in modern Greek, for the use of the Church of that country.—(British Critic, No. liii. p. 494.)

a Commission, constituted by an Act of 1834, the "voluntary" system was contemplated. A chaplain of the Church, however, has been appointed, and is paid by the colony. The reports sent home represent it as copiously provided with the means of religious observance. The population, in the short space of about four years, has reached the number of 15,000: the emigrants sent out have been, however, generally of a superior class in point of station or of character. I see that the question, whether the principle of State religion should receive further recognition, forms a subject of discussion in the public journals of the town of Adelaide.

63. The regular colonisation of New Zealand has now commenced, after those favoured islands had given scope for many years to the energies of two very different classes of Europeans: first, missionaries of several Christian professions, and secondly, a mixed, and in part very depraved, population from New South Wales, of which a portion was connected with the South Sea fisheries. The missionaries of the Church and the Wesleyan societies respectively had the good sense to choose separate localities, apprehending, I presume, evil consequences to religion from the disclosure of their disunion to their native pupils. A company, formed for the settlement of the islands, proposed by a bill in 1838 to make provision for the support of religion in the colony indiscriminately, but specially for the appointment of a bishop of the Church. This portion of their arrangement is understood to have been very favourably viewed by Lord

John Russell, the present Colonial Secretary: it has not yet, however, been finally promulgated. The New Zealand Land Company have contributed 2000 acres of land towards the endowment of the bishop and his college of presbyters. They have recently projected a second settlement in a new locality, where it forms part of their plan to reserve a certain proportion of the whole proceeds of land sales for the support of religion without distinction of profession. The disposition to afford special encouragement to the Church has been founded, I apprehend, on the simple recognition of its general hold on the affections and the habits of the people of this country, and has not been so much in the nature of a religious preference or acknowledgment.

64. Great numbers of Roman Catholic convicts were sent, for many years, from the United Kingdom to the penal colonies of Australia. They had been furnished in Ireland with chaplains in the gaols at the expence of their counties; and it seemed a natural consequence, that a similar provision should be made for them after their transportation. It was made accordingly. But then this population gradually came to be so mixed up with the free portion of the colonial communities, and so many individuals were daily passing from the one to the other, that the line of distinction which, as some may be inclined to think, separates the two kinds of support, was overlooked, and, several years ago, a claim began to be urged upon the Colonial Department for the endowment of Roman Catholic chaplains in proportion to the popu-

lation of that profession. This pretension was recognised in principle as conformable to reason. Arrangements were accordingly made while Mr. Spring Rice was Secretary of State, in 1834, for sending out four additional chaplains, and three catechists, of the Roman Church. Lord Aberdeen, on acceding to office, found these arrangements matured, but not executed; they had his approbation, and took effect in 1835.

65. Measures of a more systematic description quickly followed.* The governor of New South Wales proposed to his council a scheme, which is embodied in a Colonial Act passed 29th July, 1836, "to promote the building of churches and chapels, and to provide for the ministers of religion, in New South Wales." It is enacted that, wherever a sum of at least 300*l.* shall have been raised by private contribution, and applied towards the building of a church or chapel, and (where necessary) a dwelling for the minister, a sum not exceeding the amount of such private contribution, nor exceeding the sum of 1000*l.*, may be issued in aid from the colonial funds. A larger grant may, however, be specially applied by the governor, with the advice and consent of the legislative council. Again, where 100 adults subscribe a declaration of their desire to attend any proposed church or chapel, the governor may allow the minister 100*l.* a-year. If 200 shall subscribe, then 150*l.* a-year. If 500 shall subscribe the declaration, then 200*l.* a-year may be allowed. And there is a power of issuing 100*l.* a-year

* A full account of them is contained in the Parliamentary Papers, No. 112 of Session 1837, and No. 75 of Session 1838.

when less than 100 subscribe, given to the governor, subject to the consent of the executive council. Where there is no church or chapel, the governor may issue any sum not exceeding 100*l.* a-year, to meet an equal amount of private contributions. The governor and executive council may withdraw the stipend, if they think that the minister's duties have been wilfully or culpably neglected. This Act draws no distinction whatever between any religious societies, except by the use of the terms "Churches or Chapels," which probably would be understood to imply, that the body seeking the aid of the State must submit to bear the name, at least, of Christianity. Regulations were published in New South Wales, dated the 4th October, 1836, setting forth the English, Scottish, and Romish churches, as the special objects of these provisions, but adding that applications from any other denomination of Christians would be taken into consideration, according to the special circumstances of each case. I apprehend that some aid had been given, even before the adoption of this project, to these denominations, although it does not appear in the parliamentary returns.

66. The enactments of this measure appear to have been popular in New South Wales, so far as any evidence contained in published documents will enable us to form a conclusion. A very considerable number of clergymen have been settled, under its provisions, in connection with the Church, the Presbyterian, and the Roman Catholic bodies. The table in

§ 42 shows a sum of 17,814*l.* annually applicable to religious purposes in this colony and that of Van Diemen's Land; and in the year 1839 the charge under the heads of religion, schools, and useful institutions, amounted to 41,574*l.* in New South Wales only. The ministers and elders of the Presbytery of New South Wales* "approach" Lord Glenelg, the Colonial Secretary (writing on the 27th July, 1837), "with *unmingled feelings of gratitude and joy*," to request that he will transmit their thanks to the throne; and they trust that supremacy, arising from a monopoly of State indulgences and appointments expended on one Church to the prejudice and depression of other Churches, will no longer exist under these judicious and impartial regulations." And Dr. Lang, a Presbyterian minister, in his work on New South Wales, has warmly eulogised the above-mentioned measure.† Thus is the State establishment of the Roman Church actively supported by ministers of a body which, from its origin, has contended that it had lost the essence of a Church, and which in consequence broke off from the channel through which the apostolical commission had been conveyed: and thus are the principles of the Reformation contravened by its professed admirers.

67. There has been considerable dissension in New South Wales respecting a school system; but as the main question has been, whether the government

* Paper, No. 75, 1838, p. 14.

† Dr. Lang on Transportation and Colonization, p. 241, note.

should establish, according to Sir Richard Bourke's wishes, that of the Dublin Board, or should afford indiscriminate aid to all communions, and since the latter was the ground taken by the Protestants of the colony, it is needless to pursue the details. It is understood that in the year 1839 a proposition was made by Sir George Gipps to the Legislative Council, to establish a twofold public system of education : providing for the Romanists a full instruction which should embrace their own peculiar tenets, and arranging for the children of the Church that they should not be taught by its ministers or in its distinctive doctrines, but should receive a more general education together with other Protestant children. The scheme was rejected ; and no official account of the transaction has been made known in this country. There is no semblance, in any part of these arrangements, of a sound conception of the conscientious functions of government in matters of religion, though much, it should be admitted, of benevolent intentions. For similar reasons, we need not detail the proceedings in Van Diemen's Land ; they have been closely analogous in their general tendency to those of New South Wales, and the same principle of indiscriminate recognition and assistance has been established ; the governor not being, however, in this instance, the prime mover, and the people inclining rather to the system pursued at home.* The accounts

* See the Charge of the Bishop of Exeter, delivered in 1839, pp. 2—14, and the citations therein.

from Van Diemen's Land present a remarkable* testimony, which is extracted in the following passage from a despatch of Sir George Arthur,† dated 26th January, 1836 :—

“The Roman Catholics have hitherto been a very inconsiderable body in this community, possessing one very rude chapel in Hobart Town, and a school in connection with it. The arrival of Dr. Polding, however, has excited a degree of energy which has given them a more influential appearance, and has had the effect of recalling some persons who had been in the habit of attending the Established Church.” Dr. Polding, it should be observed, was the Roman Catholic Bishop sent out to New South Wales by the government in 1835.

68. Upon the other hand, there is some evidence which appears to show that it is want of information and reflection, rather than indifference, which we have to lament in the case before us. An address presented to the bishop of Australia in June, 1836, from many of the most influential persons of New South Wales, speaks as follows :‡—

“We look upon the *erection of these colonies into an episcopal see*, and the appointment of yourself to be

* In 1810, Mr. Marsden, the senior chaplain of New South Wales, wrote to Mr. Wilberforce, “Roman Catholics, Jews, and persons of all persuasions, send their children to the public schools, where they are all instructed in the principles of our established religion.”—Wilberforce's Correspondence, ii. 186.

† Paper 112, Session 1837, p. 70.

‡ Ibid., p. 58.

the first bishop, as (an) additional proof of His Majesty's paternal watchfulness over the welfare of the remotest portions of his dominions, and of his determination to uphold here those sacred principles to which England owes, under Providence, the pure and elevated tone of her morality, her civil freedom, the domestic peace she has so long enjoyed, and her pre-eminence among the nations of the earth."

Again, it is satisfactory to find the ministers and members of the Wesleyan Methodist body in New South Wales, addressing the bishop of Australia, on his return to the colony in 1836, and declaring that,* "firmly and conscientiously attached, as a body, to the United Church of England and Ireland, as by law established, we cannot but rejoice in every measure which promises to extend the usefulness and to increase the prosperity of that venerable hierarchy."

The whole tone of these addresses does the highest honour to those who have framed and subscribed them. It is likewise due to that distinguished person, Sir George Arthur, that in tracing the melancholy progress of false principles, following of necessity upon our previous neglect and abuse of sound ones, we should observe, he does not appear to have believed that he was placing other religious communions in the same position with the Church.† Nor is it that we need fear for the Church of England in her competition with the denominational bodies around her. It is for the State, for the general well-being of these

* Paper 112, 1837, p. 59.

† Ibid., p. 69.

colonies in that future development to which they appear to be destined, that reasonable apprehensions may be entertained, when they are seen to lay principles radically false and unstable for their social foundation.

69. In the Act passed for the renewal of the East India Company's Charter, dated 1833, there is some specific legislation with regard to the Church, and a provision is also introduced, allowing of the endowment or support of any body of Christians from the funds of the government. In a Parliamentary paper of 1839,* we have an account of the practice in the East Indies during the year 1836. It hence appears, that in the three presidencies a system of threefold endowment has been established: its objects are, the Church, the Church of Scotland, and the Church of Rome. The expence incurred is as follows:—

	Established Church.	Scotch Church.	Roman Catholic Priests.	TOTAL.	
	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	£. Sterling.
Bengal .	4,37,672	23,422	8,070	4,69,164 = 43,984	
Madras .	2,20,113	20,811	7,722	2,48,646 = 23,310	
Bombay	1,67,438	23,543	5,400	1,96,381 = 18,411	
	8,25,223	67,776	21,192	9,14,191 = 85,705	

There is also a charge of about 2000*l.* in Singapore, Prince of Wales's Island, and Malacca, for the Church

* Session 1839, No. 124.

and the Roman Catholics; and there are further expenses for church building and repairs, and for pensions and furlough allowances. More recently, the company has made a liberal contribution to the projected cathedral of Calcutta; a contribution estimated by the bishop as equal to 20,000*l.*, his own magnificent gift.

70. Upon the whole, however, this is certainly an unsatisfactory picture. We find an ample allowance of the false principle on the part of the Indian executive; but the amount of funds dispensed to the Established Churches, as compared with those given to the Church of Rome, is greatly out of proportion, it is conjectured, to the relative numbers attached to the several communions. And such an arrangement really gives plausibility to the charge more frequently than justly made, that money and not principle is the object of solicitude with the friends of the connection between the Church and the State. Moreover, who can imagine a more effective mode of preventing the progress of conversion to Christianity in India, than its exhibition by the State in incompatible and conflicting forms, its being announced to the natives under State authority by persons who cannot sufficiently agree among themselves to partake together of its distinctive and constituent ordinances?

71. There is another branch of the religious conduct of the British government in India, which involves matter of the highest importance—namely, its alleged participation in the idolatrous rites of the Hindoo worship, by the coerced attendance of its ser-

vants at their celebration, as well as by a pecuniary concern in the management. This case seems long to have borne a melancholy and even an awful aspect.* Public attention began to be generally drawn to it in the year 1838, and there were indications not to be misunderstood of the excitement of the liveliest national interest. The declarations of the ministry† promptly guaranteed to Parliament that a speedy and effectual stop should be put to our ill-omened and scarcely credible practices. Much has accordingly been done both in Bengal and in Bombay, but the conduct of the government of Madras has hitherto been unsatisfactory.

72: Upon the whole, the universal characteristic of these extremely varied cases is, insufficiency in the assistance afforded to religion by the State. Hardly one of our colonies, properly so called, appears to have a really adequate provision. The next feature is, gross anomaly of principle in the distribution of that assistance; from which defect only a portion of the West Indian colonies, especially the old English islands, appear to be exempted. The North American division exhibits the scantiest provision; and, indeed, an almost entire repudiation of the principles of State religion, so far as they depend upon assistance from a colonial legislature. Even the observance of daily worship

* See 'The Connection of the East India Company's Government with the Superstitions, &c., of India.' Hatchards. 1838. Mr. Strahan's 'Letter to Sir J. Hobhouse.' 1841. Parliamentary Paper, No. 628, of 1840.

† Speech of Sir John Hobhouse, July 26, 1838; and of Lord Melbourne, July 24, 1838.

was, I regret to say, a short time ago abandoned in the Assembly of Upper Canada; it will, I trust, be resumed in the Legislature of the United Province. The Australian colonies have most fully avowed and embodied the principle of indiscriminate establishment: however, they have not yet obtained a popular government, and the present arrangements have not much promise of permanency.

73. Again, however, let it be specified, I do not presume to dogmatise as to the manner in which, under the difficult and peculiar circumstances of our colonies, the functions of government in respect to a State religion ought to be discharged, or any principles saved, which have been laid down in the foregoing inquiry. But thus much it is right to say: there ought not to be that positive contravention of such principles, that active and free participation in evil, which in some at least of these cases there unfortunately has been. It is one thing to mark wisely the limits of our real power, to disavow all compulsion, to give our aid to what we hold as the ordinance of God, and for the rest, where we can do no more, under protest to permit; but it is another thing to confound the boundary lines of truth and falsehood, to concur in, to promote, even to originate measures which may fall in with the inclinations of the day, but which being intrinsically vicious, though they may yield a harvest of present popularity, are also the seed of certain mischief for the future. If the democratic characteristics and tendencies of these colonies, taken

together with the religious differences of the inhabitants, prevent their enjoying the benefit of the nationality of the Church, these circumstances may be resistless; but let us at least see and describe them as they are, and instead of amusing ourselves with a fictitious theory, contrived to flatter our self-love, let us honestly recognise in the causes an evil, in the result a misfortune.

CHAPTER X.

THE ULTERIOR TENDENCIES OF THE MOVEMENT TOWARDS THE
DISSOLUTION OF THE CONNECTION.

1. WE have now only to institute an examination into some of the consequences likely, so far as reason and history will guide us in estimating the future, to arise out of the general abandonment of the principle of union between the Church and the State. The question is too large to admit of anything more than a very partial inquiry. And what in the laxity of common language we are apt to term the consequences of such a change, might be more accurately described as the next following results of that temper and those tendencies by which it was itself produced. Their features are obvious and broadly marked; their bearing upon the formation of human character in its fundamental principles, and in its entire figure and development, is indisputable; so that it ought to be possible to grasp as much as is necessary for an intelligible delineation, however large a portion of the subject may remain untraversed. We are far from being dependent upon speculation alone. These tendencies have already had in part the opportunity of becoming practical; and as "the boy is father to the

man," so from their infant forms we may find some means of calculating the future dispositions of their maturity.

2. In a recent speech,* addressed to a popular auditory, I find the issue involved in the controversies respecting the connection of the Church and the State thus put, "Whether it is desirable that the Church and the State, the affairs of this world and the affairs of the next, should be united or set apart? That is the question." By some unconscious inattention, the propounder of this definition has given utterance to the entire or main truth of the whole subject, has conceded all that the defenders of the connection need care to assert. It is the very proposition on which they insist, it is the climax and consummation of their argument, that the separation of Church and State means, tends to, and potentially involves, the setting apart of the affairs of this world from the affairs of the next—the formal, systematic, deliberate exemption of the human life and nature from the dominion of religion. What other significancy has Revelation, or can it have, than that of a scheme intended to blend the life and actions of men in one congruous whole, and fully to establish and realise the relations between that life in all its parts on the one hand, and the God in whom it centres on the other? What is frustration of the Gospel, if it be not included in the position, that the agencies of this world shall not be made subser-

* By the Rev. J. Burnet at Hertford, in the Shire Hall, February, 1840. I quote from a printed Report.

vient to the ends of the next? True, indeed, it is, that the rejection of Revelation, and of these its claims, is very far from being either to individuals a necessary, or intrinsically a self-evident consequence of the divorce of the State from the Church. Rarely does it happen that the adversary is led to confess, without reluctance or suspicion, that which is the distant and arduous prize of all our toils of reasoning; but the truth is one which even these pages, utterly unequal as they are to their design, may have shown to be susceptible of the fullest moral proof.

3. Let us, then, proceed to examine some of these consequences as affecting,

1. The moral tendencies of civil union.
2. The nature and function of the State.
3. The character of governors.
4. The social and religious destinies of men in general.

From whence we may pass to consider the results upon the course of the Divine dispensations ordained for conducting those destinies.

4. In the early part of this work I have argued that the several forms of human association, softened, and cemented, and sustained as they were by religion, were designed to be, and through the unbounded spaces of dreary heathenism actually were, the real and chief, though partial counteractives of that principle of self-worship in man, which, as it seems, but for these, would probably have proceeded so far in its madness as utterly to disorganise everything in life that had a

vestige of order, or of beauty, or of truth; but that combinations of men, if unsanctified by religion, threaten to become instruments for steeling sevenfold the moral hardness of the heart, and for arming wickedness with the maximum of power: so that when Divine faith and pious action are destroyed in States, we must read in the portentous event the frustration of God's merciful design in our social constitution, and the ultimate perversion of the machinery He appointed for good, perhaps through seemingly gradual and easy steps of change, to the positive support of our rebellion against His authority.

5. Let us next consider, briefly, the more specific results of the change contemplated in this discussion upon the character and dignity of the State itself. The repudiators of the principle of national religion usually belong to that school of political opinion, which, in theory at least, denies to the civil power the faculty of moral choice, or professes to aim at reducing it within the narrowest limits, at giving the freest scope to the exercise of private will, and a full representation to its results in the action of the governing body. And, indeed, this is a scheme far less hideous than that which acknowledges the higher ends and capacities of government as such, which lays upon it the charge of the general training of the people, and would have it recognise every agency for the elevation of our being, except that by which alone all the rest are rendered either innocent or effectual. I assume, therefore, as the most favourable supposition, that those who break

the connection between national life and religion, will at least do it, for decency's sake, by closing against the State the whole province of our higher faculties, and divesting it of the function of deliberative choice. Upon this hypothesis, however, the effect will be to degrade the character of government from the moral sphere to that of a machine; and will leave it as the function of sovereigns and their vainly-titled coadjutors to ascertain with accuracy, and to register with fidelity, a popular will, whose efficacy shall be measurable by number or quantity alone, as the index of a clock is set to represent the oscillations of its pendulum. In such a case, I do not hesitate to say, the political function would, from the master-science of the world, be reduced to the lowest of all arts. The loftiness of its idea and of its appointed sphere would be the measure of its degradation—

—— unde altior esset
Causæ et impulsæ præceps immane ruinæ.*

Yet, why? it might be asked. When the State ceases to live by faith, is it therefore to cease to live at all? Surely not; but the first and best work of man's life on earth, the nurture of that life of faith, which was appointed to find a stronghold in the precinct of the State, and a witness in the voice of public authority, will then have its province wholly elsewhere. The function of government will be the lowest of all functions, not in an earthly but in a Christian sense,

* Juv. Sat. x. 106.

because it will be the farthest removed from its own proper nature.

6. It is a strange and appalling state of things, when the creatures of God fall away from the law and purpose of their several natures, even although that into which they degenerate do not to the fleshly eye appear to present any revolting features. Each of them, however apparently insignificant, has its own blessing in its own ordained constitution, and in the sphere determined for its action; whatsoever fulfils its functions, such as they were defined by the hand or Word of the Creator, is honourable before God and man. But so, on the other hand, does each, however lofty and imposing, lose that blessing and honour, when it forgets its instrumentality, and passes out of the place which has been given to it in the Divine economy into another which is self-chosen. We should be shocked if we saw a man, even a man of indifferent appearance, and less than ordinary abilities, changed into the most beautiful, the most intelligent, the most faithful of animals; because he would have fallen from the rank in which his Maker placed him, from the work He gave him to do, from the capabilities of his constitution, from a higher to a lower essence. Now it is a case which ought similarly to shock us, when human beings, made and elected to dwell in the body of the Redeemer, to be partakers of the Divine nature, and to do all whatsoever they do in Him and for Him; when such beings, renouncing Him who is their permanent spiritual life, avail themselves of lower gifts which

they hold, but which are not less His, to construct a new system of reciprocal relations among themselves, for their own presumed convenience and benefit, in which He has no part nor lot. As there is beauty even in God's lowest natural gifts, so there may be much in such a system that is fascinating and attractive: but viewed in relation to the true, the spiritual law of our nature, nothing can be more monstrous and loathsome than a change which should thus embody, in fixed institutions, and perpetuate so far as in us lies, our innate impiety, poisoning the very wells of water from which successive generations are to draw.

7. It is not that, when reduced from the rank of moral personality and the image of Divine power, to the condition of an animal or vegetative existence, without traditions, without hopes, without a future or a past, without a perception that passes beyond the visible into the indestructible, without virtue, without glory, without genius, without love, the State must necessarily cease to exist. No: it may drag onwards, even when it has reached the utmost goal, a worthless load of life; it may aspire to the resemblance of that Nebuchadnezzar, who, from the tiara and the purple, came to herd with brutes. Like him, it may feed on herbage; and the Church of God must not seek to harm it, but must still reverence the power legitimate, though degraded and abused. She must minister to its aid; even as if that fallen king had hungered, and had asked in distress for grass, charity must have suppressed indignation or

amazement, and must have supplied his wants. But human association, which mitigated our first fall, would then have precipitated our second; and the greatest visible work of God on earth, man organised, would have become accursed according to the measure of its greatness. Was it, then, for this that the Redeemer bled? Was it for this that He, the mighty Maker, left His glory to suffer and to die, and that He appointed this little world to be a living and exemplary spectacle to principalities and powers in heavenly places? * Was it for this that He bound together His whole creation, and all the natures that it includes, in that mystic harmony of relationship to Him, and to one another in Him, which poets, enamoured of its surpassing beauty, even under its lowest and material form, have imaged as the melody of melodies, and have named the music of the spheres? Give the whole vesture of this fair world to the moth and the cankerworm, and you will but work upon worthless matter a weak semblance of the havoc, the ruin, the abomination of desolation which you will establish within the precinct of that holy place, the soul of man, when the very regions defined and foreordered for the discipline of moral energies are surrendered to the dominion of sense, and of understanding that makes itself the slave of sense, and of pride that for some momentary space alone can hide from view the bitter fruits of its rebellion. The State might still, after such a change were wrought, wield, during its permitted time, those masses of hu-

* Eph. iii. 10.

man power which, to our contracted vision, appear great, and produce proportionate results. It would still be the organ of the nation, would have fleets and armies at its command, titles and wealth at its disposal, but the God of battles would no longer go forth with its hosts ; His presence would have departed from the vacant shrine ; and the power to grant distinctions and rewards is worse than a mockery, when there no longer should remain the congenial power to produce and to train those immortal virtues which deserve them. The acts done under a scheme which involves the avowed and formal abandonment of the highest law of duty, must, by a sure though, perhaps, a circuitous course, essentially tend to that corruption out of which they were engendered.

8. Of course there would be a corresponding effect upon the character of sovereigns and of governors in general, who can ill indeed afford to dispense, in the regulation of their own conduct, with that force and influence which religion acquires from public recognition, that their individual infirmity and lukewarmness may be helped and roused, or their hostility abashed and subdued by the visible solemnity of her position in those institutions, amidst which the labour of their function lies. It is in vain to speak of their preserving steadiness and purity of conduct by personal piety alone ; because universal experience testifies how small a proportion of professing Christians in any country are really and habitually governed in their practice by the injunctions of conscience. But besides this, men

who are called to govern enter into a system of composite action : they throw their thoughts, feelings, and desires into a common stock, to obtain a general result: to that common stock a principle of common religion must be applied, or the result cannot harmonise with the individual obligations of those who contribute to it. If, therefore, it be not so applied, their combination and action in the work of governing is of necessity removed from within the sphere and reach of their religious belief. Can it need any argument, in detail, to show that when men, whose temptations are already great, are placed in a function which must be habitually discharged without the possibility of authoritative reference to a spiritual standard, the habits created and confirmed by such a function must, as an ultimate rule, be framed after the fashion of the world and a fallen nature, and must therefore exercise upon personal character an influence of a hardening and deteriorating description? For we must recollect that in such a subject-matter, " he that is not with me is against me ;" he that declines to submit his entire conduct to the active control of the will of God, and that claims to regulate it upon not perhaps an avowedly hostile, but an independent principle, is in so far withdrawing himself from God, and guilty of the highest positive offence against his law, which claims not a negative, but a positive service.

9. Further, moral subject-matter would still of necessity be inextricably mixed, and in a thousand forms, with the business of legislation and administration :

subject-matter, which requires the direct application of the principle of religion, and where duty would not be satisfied by those more general acknowledgments of God which may suffice for lower practice. The law of marriage, the law of capital punishment, the laws upon those contingencies in which either some form of religious belief, or of blasphemy, may directly touch upon external order, are instances, few out of many, in which the material of law is intimately interwoven with considerations of religion. Yet rulers are to be precluded from applying to their joint deliberations upon it the single canon which makes "the rough places plain." They must make bricks without straw; they must administer equity and justice in incorruption out of their own corrupted nature, without the aid of the ordinances which can alone afford any permanent guarantee to morality among men. They must concentrate the physical and moral force of the nation in a most powerful agency, and must perform the most arduous of all processes without the sanctions that are demanded for the safe accomplishment even of the simplest. Is it extravagant to assert that the effect of such a change would be to repel men of the highest consciences and noblest and most unselfish aims from public office, and to leave it to be administered by that inferiority of virtue, which, in the course of years, is always proved to be inferiority of strength? And even before that result should be palpably realised, this taking the heart out of the function of governors would inflict on them a real degradation,

far different from any which ever can attach to the humblest and most despised of such offices as fulfil the law of their institution by being performed, relatively to their best capabilities, for the glory of God.

10. Again, the annexation of religious forms and obligations to public office has the effect of exhibiting in strong and glaring light any irreligious conduct on the part of those who are invested with it. There are periods when a flood of profligacy would overwhelm a country utterly, were it not for the monuments and landmarks of fixed religious institutions. Such was the time of reaction under Charles II., from a fanaticism that had been sincere but inconsistent in its piety. The consequence, therefore, of public and standing acknowledgments of religion is, that the range of ungodliness in public men is narrowed, its detection rendered probable, and its occasions proportionably rare. Abstractedly, indeed, we must not glory: yet there are degrees in corruption, and it is well to retrieve, and miserable to cede, but one of them.

11. But these marks of the public belief have a more important and a more comprehensive character. Hypocrisy is a homage to virtue: where there is much false profession there is also much true faith; there is no temptation to counterfeit, where the genuine coin has no current value. The abrogation, therefore, of these public professions is a sign of decay in the general pervasive power of the Christian scheme; a sign that unbelief is waxing, and that faith is waning. We may also be confident that it would accelerate the

decay which it attests, when we consider how much of human conduct that is beneficial in its tendency, how many sentiments that incline to the encouragement of good and the subjugation of evil, depend upon causes secondary in their nature, and extrinsic, wholly or in part, to the individual conscience. Even the high and delicate feeling of honour, which is now entertained by many men regardless of God, is, in its main and better parts, the growth of Christianity; of Christianity, not as cherished here and there in the secret consciousness of individual breasts, but as recognised and established in public institutions. As her light recedes into sequestered places, the selfishness of men will become colder, and ruder, and harder; and the false refinement which, without religion, may for a while present a varnished surface, will soon crack and be dispersed.

12. But if such be the result upon the general tone of manners, how will the change be found to operate in regulating the conduct of classes of men under the most serious and trying circumstances of life? How will occasions of discontent be borne? How will visitations of God be undergone? The lower classes, forsooth, are the great object of solicitude with the patrons of the system in question. How will their case be considered? Will the streams of charity flow more largely in communities where the name of Christ shall not claim nor receive honour from the mass, and where it shall be deemed a thing indifferent in common society, whether a man profess himself a believer

in revealed religion, or the contrary? We must recollect this great fact, that we owe to Christianity alone the institutions which afford systematic relief to the sick, the wounded, the widow, the orphan, the lunatic, and which acknowledge and meet the claim of the poor to be supported from the land. This has been shown with great force in a recent sermon by an eminently learned minister of our Church.* He seems induced to consider it a solitary exception to his general statement, that the infirm citizens of Athens were entitled to support. But the citizens of Athens were, in fact, an oligarchy; and the healthy as well as the infirm were fed by the contributions of subject isles and cities. Communities of men, then, had no bowels of compassion for their fellow-men, before Christianity pervaded them. And should society be thrown back into unbelief, do we flatter ourselves that the old and holy influences would very long survive? No, rather the latter state would be worse than the first; the case would be that of truth rejected, as well as of falsehood received. And from this point we are led more at large into the subject.

13. The course of the subject brings me now to the religious results of the divorce of determinate religion from government. I know not whether it be presumptuous to say at this early stage what we might more fully affirm in approaching towards the conclusion of the present chapter; that the changes which have appeared, and which are daily unfolding them-

* Spital Sermon by the Rev. Dr. Christopher Wordsworth. 1838.

selves, in connection with the movement towards the overthrow of national Church-establishments, seem as if they were gradually supplying what yet remained void in those fore-ordered dispensations of the Deity towards man, which are traced throughout the history of this wayward world. It is one thing to speculate through antecedent presumptions, or interpretations of those parts of the divine truth which are purposely wrapped in enigma, upon the times and features of the future destiny of our race,* and nothing can be farther from the province or intention of these pages ; but it is quite another thing to study the signs of the times, by the endeavour to analyse and exhibit those great moral causes, most influential upon human character and happiness, which everywhere force themselves upon our view, which pervade the masses of society, and which appear to be conducting visibly towards its issue, by however circuitous a path, the ancient conflict between good and evil in the world.

14. Let us inquire, then, whether the relinquishment by governments of the care and propagation of religion prepares the way for that final in-gathering of the harvest of the Redeemer, which immediately attends upon the separation of the good from the wicked. Whether it implies, as it were, a retrogression of the Divine mercies, and consists in surrendering large masses of mankind to that which they term their freedom, but which is indeed their misery. Whether or not it practically involves the abandonment of the glo-

* Compare Mark xiii. 32 ; and Matt. xvi. 2, 3.

rious enterprise to which the Christian Church was commissioned to address herself, namely, the universal proclamation of the gospel. Whether, by leaving a partial religion to be replaced by total irreligion, you do not remove from individual selfishness the great bar to its absolute and final development. Whether, by taking out of public institutions their sanctifying principle, you do not give them over to become the depositories and manifestations in a collective and, as it were, authoritative and ultimate form, of that selfishness and self-worship, wherein consists our apostacy from God, and in the completion of which is accordingly contained the consummation of that apostacy.

15. There is, however, a line of argument sometimes pursued in relation to this question, which I am about to notice, in order more distinctly to mark that I do not adopt it. Men have pointed to the horrible excesses of the French Revolution, and have anticipated that atrocities similar in kind, though, perhaps, less in degree, must follow the overthrow, should it ever take place, of our national religion. There are many reasons which may disincline us, however, from anticipating such a result. Firstly, the extraordinary concurrence of political causes, and, above all, the immense abuses of the former system, which combined to embitter the popular mind of France before that revolution, are such as we are not led, however formidable some of our symptoms, to expect. Next, the Romish Church in that country had then much less, as I believe, of the heart and life of religion to temper and to check

the exasperations of the time, than England would now supply. But further ; the spirits of anarchy have had a warning rather than an encouragement in the French Revolution. Its singularly chequered course has, we may conjecture, taught them, that in order to work effectually they must be contented to work more slowly. They triumphed awhile, it is true, in bloodshed the most profuse ; but the revelation of Satan was too naked and too hideous for the heart of man, as that heart then was, to behold without shuddering, and a violent reaction, and an earnest determination to use every effort for quelling the monster, and banishing him again from the face of earth to the darkness of his home.

16. We may, therefore, more probably anticipate that the next attempt to constitute society without a God, and to erase his name from the world which His might and His beneficence have made, will be more crafty and considerate, requiring time for its development, and a preparation consisting, not merely, like that in France, of suffering applied to exacerbate the heart, but embracing a thorough education of the understanding and expansion of its powers, and a circuitous, perhaps, but real application of them to the suppression of the best human sympathies, and the exhaustion of all the noble fountains of thought, emotion, and, above all, affection within us. Whenever upon this or any other basis a complete structure of hardened selfishness shall have been erected, to be the universal type of human character, it may be that the

day will have arrived for a tempest of woe and awful desolating crime, more fierce and more lasting than that under which but one generation groaned; yet all this devilish machinery may wear a very smooth appearance, drawing upon the "deceivableness of unrighteousness" for all its resources of illusion, and soothing us with the belief that we are but ridding the earth of bigotry and persecution, establishing human freedom, and therein rendering to God the most acceptable service, while we are in fact immolating the faith and the truth, and with them all our own hopes and destinies of good.

17. But some may honestly think, that there is nothing irreligious in dissolving the union between Church and State, and taking from the government all power to express a preference in a matter of a religion. They may rather attach to such a change a contrary idea, and hail it as ridding the Church of much impure and tyrannical handling, which it has in former times received from the secular power. Certainly governments will no longer be able to abuse their religion when they have none; to come short of their obligations to it, when they are precluded from owning any. It is boldly argued by some that the amount of individual religion will be greater, should the connection be dissolved. This we deny. But even were it so, still it would not be enough. It is clear, that God has relations and reckonings with men in their national capacity. How are those relations to be conducted by a government which has not a religion? The law is

not the act nor the voice of an individual, nor of a number of individuals as such ; but it is a public instrument, proceeding from a public power, and that power the greatest upon earth ; and yet, under the proposed system, that power will be without religion.

18. But really, when we contemplate in seriousness this argument from the abuse of religion by governments for its abandonment, it appears itself to be the greatest abuse of reason that men can imagine. For what is the whole history of religion in the mind of an individual ? Does the individual man welcome religion from the first, provide for it in his breast a pure and holy home, use his native powers to draw out all its benign influences over his whole character and conduct ? No : it is a series of gross abuses ; a series of conflicts between the natural and spiritual man ; a series of violences done by us to our convictions, and to the Holy Spirit of God, as often as we sin ; and thus, so far, of profanations offered to that Divine in-dwelling presence, whereby alone spiritual life is maintained in an alien atmosphere. But is the man therefore to desist from his work, or is he not rather to persevere until the purifying have overcome the deleterious influences, and his nature is impregnated throughout with the spirit of truth and love ? Why, then, so it is with States, and they, like individuals, are to repent of their sins, and to strive earnestly for amendment, and for the increase of the knowledge and fear of God, until it pervade the whole body of the nation, and bless it for ever.

19. Will it, however, be said that the republic of America has not relinquished religious ordinances together with the principle of an establishment, and that prayers are regularly offered in her Congress by ministers belonging to her various denominations? It may be so. The day may, however, come when a vast portion of the American population will own no Christian name or ordinance whatever; they will return their representatives; they may be a majority, or a large and an intractable minority. Talk not of the power of truth; it does not subdue those who wilfully and habitually reject it. It did not do so in the days of that primitive revelation, which fell gradually into the most hideous corruptions. I know not why it should do so again, in days of keener and more calculated and systematised self-love. These anti-Christians may claim not to be insulted by religious ordinances in which they cannot participate. But judge matters as they are, is that an acceptable service to God, which proceeds upon the most opposite views of his nature? Is that government guiltless which one day approaches him through Jesus, the Mediator of the new covenant, and another day in its own righteousness, and without the blood of sprinkling—which one day worships the Saviour as God, and the next in prayer by overlooking, if no more, denies his deity?

20. Of two creeds thus differing we may lay down these propositions—first, that one must be false: secondly, that the one which is false must be blasphemous; and yet this unhappy scheme deals with

both alike, recognises both alike. The man, or the body of men adhering to either, may find consolation in the belief that the creed of its choice is the truth; but in adopting both, in placing both on the same level, the individual or the government is self-condemned; condemned of the fatal crime of wilfully confounding truth and error in the highest subject-matter, while its own best hope and function is but to establish truth, and discountenance error, in concerns of far less momentous import. The fact therefore remains that this service is not an intelligible, nor a reasonable, nor an acceptable service. It is contrary to the express denunciations of the Scripture against heresy; it is an impious mixture of all religions upon that ground which alone they occupy in common, namely, the possession of a certain amount of human assent; and by recognising religion only in virtue of that suffrage, they affirm the baneful proposition, that religion has no groundwork, or at least may be dealt with (which is in substance the same thing) as if it had no groundwork, extrinsic to the human mind, thus depriving it of all relation to a God, and rendering it a curse rather than a blessing, because leaving it to clothe the creations of human caprice and pride with a sacred and authoritative name. I hold, therefore, that when the connection of religion with the State has been destroyed, government becomes essentially godless.

21. But it may be thought chimerical to anticipate that the time ever can arrive when so simple, so rea-

sonable a service as the acknowledgment of God in the public worship of the State can be offensive to any large number of men. Would that it were so ! But if these men have fallen out of Christianity and the recognition of it in their private capacity, will they retain it in their public one ? If they can find a foundation other than the acknowledgment of His name for all the relations of their social and domestic position through life, why should they need it in the brief discharge of those political functions which we are told ought to be separated from all consideration of religious differences ? If it was here found impossible to continue the faith of the Church in the State, the adoption of the apparently broader basis of Christianity has supplied no means of more determined resistance. If, to proceed one step further, all ministers of religion may come and pray, if a profession of theism be the only test, will this endure ? Say, all you who believe in revelation, is then theism the one thing needful, and revelation subsidiary, or can theism be permanently recognised when the testimony and the sanction of revelation are separated therefrom ? Doubtless it would be unreasonable, most unreasonable, to contend against the acknowledgment of God ; but let those who are willing to surrender every other test, show from the experience of history, or from the dictates of reason, that this one can on their principles endure.

22. Mr. Locke* contended that the acknowledgment of the being of God, evidently regarded as the

* Letters on Toleration, i. (vol. v. p. 47, and iii. p. 416.)

foundation of the doctrine of a future retribution, was so necessary for civil order, that it should be required as a condition of citizenship. Let us then suppose that this dogma, and this alone, is established as the formulary of State religion; does this present in argument an unassailable position? It cannot be shown from revelation that the sanctions of social order depend on the recognition of this truth; that they are wholly secure with it, or wholly insecure without it, or competently secure by its means. The Apostles, in commanding obedience to authorities, do not make it contingent on the belief of rulers in a future state; they do therefore recognise a possible form of human society, independently of any such belief. And who can doubt it? The principle of the day is, that a reasoning regard to self-interest affords the best guarantee of good conduct; and this principle is at the bottom of Mr. Locke's rule: it is human, and not divine motive on which he rests.

23. Now if a regard to self-interest, in the less enlightened and educated state of man, required the view of a future state to make the balance in favour of virtuous conduct clear, it does not follow that in a more advanced and cultivated state that doctrine will be equally required to produce the amount of order and restraint necessary for social purposes; for on the principles of Christianity, godliness hath "the promise of the life that now is;"* and on the principles of infidelity, virtue, upon the whole, promotes the worldly

* 1 Tim. iv. 8.

happiness of the individual. On neither theory, therefore, is the obligation to virtue (though that obligation be essentially different in the one from what it is in the other) *dependent* upon the doctrine of a future state. Thus the denier of that doctrine may argue; and he may point out, that the force of opinion is with virtue; that enjoyment depends upon property, property upon order, order upon virtue, on that above-specified amount of virtue which is required for the peace of society; consequently that the recognition of a God, or of a future state, is not needed for morality, since man has (according to some philosophists in education of the present day) a natural and adequate foundation of morality in his own physical constitution.

24. Now the question is not, whether these arguments are sound, but whether they are consequent. Not, whether they ought to prevail, but whether they would prevail. Not, whether they would prevail here and now, but whether they would prevail in times when, and upon men with whose approbation, the principle of a Church and the principle of Christianity had been surrendered, the notion of a *national* regard to God abandoned as visionary, and the entire independence of our competency to perform social duties upon our religious belief established, subject to the single reservation, that, for the purposes of social order, not on religious grounds, a belief in a future state must still be required as a test for office. The question is, whether men who had separated every

other dogma from the holding of civil office by inclination, would, or in consistency could, continue to attach to its tenure that remaining one: whether natural religion (as it is falsely called) would retain a stronger hold over its followers than revealed religion had done, or if not, then whether the principles of civil society would dictate an adherence to what would by that time have come in its turn to be designated "the last remnant of intolerance?" Surely they would not. The doctrine of a future state is an abstract philosophical doctrine, when it stands alone. In Christianity it is joined with others, on which its efficiency depends. By Paganism it was dressed in imaginary terrors. But as denuded of the substantial support of revealed truth on the one hand, and of the aid of superstitious credulity on the other, and thus reduced to a pure abstraction, it might indeed hold a place in the confession of faith of some rationalising philosopher, but it would be totally incapable of exercising national influences or forming the groundwork of a constitution.

25. Those who hold an opposite opinion should be reminded that revealed religion derives its strength from its entirety,* from the fact that it not merely presents to us a body of abstract truths, but carries

* Compare also this view:—"C'est encore un effet de la foiblesse des hommes, que la lumière les aveugle souvent aussi bien que les ténèbres, et que la vérité les trompe aussi bien que l'erreur. Et la raison en est, que les conclusions dépendent ordinairement de l'union des vérités, et non d'une vérité toute seule: il arrive souvent qu'une vérité imparfaitement connue, étant prise par erreur comme suffisante pour nous conduire, nous jette dans l'égarement."—Nicole, *Essais de Morale*, i. viii.

with it the executory powers necessary to procure their acceptance, the vital influences without which we cannot receive, digest, and assimilate those truths. But when we reject the belief in those powers, when we bring down the Christian Church from "what is transcendental in her pretensions," when we analyse and dissect the body which God has given, and when, impiously dividing it into parts to be rejected or retained at pleasure, we further ridiculously suppose that each of those parts is to retain the vitality which belonged only to the aggregate, we are the victims of a wretched delusion, and the portion of truth, which we have torn from the quivering trunk, will but as a severed limb putrefy within our grasp. And indeed men seem to forget that this experiment of the influence of mere truth, without covenanted powers, on fallen man, is not a new one, but has been already once at least wrought out to its results. In the effort to describe them, I must be led to assume something of the language and the tone of a writer on religion, but I ask to be excused for that apparent presumption, because it is a matter of necessity, not of option; when influences belonging to religion issue into consequences belonging to politics, and these again produce perceptible effects upon the interests of religion, a writer on either must inevitably, more or less, and for a time, draw his materials as well as his principles from both.

26. When the law of our nature was inverted at the fall, and harmony with the will of the Creator

became thenceforward the exception and not the rule among men, divine truth was planted, as it were, in a little spot upon the surface of the earth, to germinate for a while sheltered from the adverse contact of mankind in general, who systematically followed out the disobedience of their first progenitor, and by natural consequence corrupted, defaced, and almost extirpated the whole of that religious truth, which, in proportion to the degree in which it was allowed to remain among them, could not fail to disturb their conscience by testifying to the degeneracy that it was unable to correct. The melancholy history of those who, though originally possessors, like the subsequently favoured people, of the revealed knowledge of God, became afterwards the Pagan nations of the world, has this among its uses, that it shows us how inadequate is the simple power of truth to produce permanently beneficial results on our corrupted nature, without the covenanted influences of divine grace.

27. The hideous anomaly, which sin had introduced, was now therefore in full exhibition, and the universal creation might behold a world intrinsically alike wonderful and lovely, and set under a being who had received the highest of all honours in being made after the image of the Maker himself, in a state of war with the will of that Maker, and bearing in consequence, as it were, his provisional curse in a system of mixed dispensations intended to summon and prompt men to repentance. But while a spiritual intercourse between the Almighty and the mass of his human

creatures had nearly* ceased, he had not withdrawn even that intercourse from the entire race.

28. He made himself known by personal† manifestations, by the voice of prophets, by a written law, by a permanent priesthood, by fixed institutions of sacrifice and worship; but it was to a people small and inconsiderable when compared with the mighty nations of the earth; to a people planted in a country of seclusion, and fenced about with laws and customs of an unsocial and absolutely repulsive character when viewed with reference to the rest of the world. Within this narrow spot alone were the oracles of God generally known as such, and kept in faithful custody: while even here, as they themselves assure us, they were at one time in imminent danger, according to all human appearances, of being lost. The wide world lay in darkness and in death, as though the Sun of heaven had risen only for the narrow valley of Jerusalem, and the hills that girt her round about intercepted his rays lest they should go forth for the healing of the nations.

29. Thus for a very long period was divine truth rather kept from mankind than offered to them. It was shut like a tender plant in a hothouse to be reared to a certain maturity before it could endure exposure to the unkindly elements. Alas! those unkindly elements were simply the dispositions of the being, for

* Not altogether. See Bishop Horsley's Treatise on the Extra-judaical Church.

† Eusebius, b. i. ch. ii.

whose healing the leaves of that precious plant had sprouted, and its flowers had spread their blossoms. How many, and what purposes of good may have been accomplished by this (so to speak) imprisonment of revelation, we cannot know ; but this we do too surely know, that with every jealous care and regulation to separate the Jews from the mass of men, and to quicken their spirit of obedience by establishing an immediate and palpable connection between obedience and reward, as well as between their respective contraries—still the prevalent tendency among them was not that of truth by its expansive force to burst out from its narrow limits and illuminate the world ; but was that of inward and essential sinfulness to invite from without the contagion of error, and to attract and imbibe it by vicious sympathy in despite of every bulwark that the care of the Almighty had devised for its exclusion, until the terrible inflictions of the Captivity had repressed the tendency to idol worship, and given scope at the same time for opposite errors, the errors of an extreme and misanthropic bigotry. But as the case of the world before the Mosaic law, and independent of it, shows the inability of men to retain pure truth in an abstract form, so the general unfaithfulness of the Jews under that law testifies to the impossibility of bringing the human race to God through considerations of reward and punishment in this life, or what is now termed a well-calculating self-interest ; because that particular engine was brought to bear under the law of Moses with a far

greater force than in all human probability it can ever again acquire.

30. A brighter day, however, dawned, when the fulness of time had arrived, and the whole world had been politically and socially re-cast, apparently in order to allow of a free, uninterrupted, and universal propagation of the liberated truth. God sent forth his Son, made of a woman; and that which hitherto had but been chanted in the Temple, or echoed in the mountains of Judah; that which had been enveloped in types and figures, symbolised in the visible institutes of sacrifice and purification; that which had been known in the letter to a small and single people, and which in the spirit had been the precious food of a yet smaller and obscurer flock, was to be told upon the housetops, to be proclaimed, as with a trumpet, through all lands, beginning from Jerusalem, even unto the ends of the earth: was to summon to its obedience every nation, every class, every character; to purge, to chasten, to restore the whole of the fallen race of man.

31. Such was the scheme of glory that appeared to be announced in the preaching of that gospel under which, where sin had abounded, grace was much more to abound: and where, by the disobedience of one, (the) many had been made sinners, so and much more by the obedience of one, were (the) many to be made righteous. The whole earth was to break out into songs of triumph and rejoicing, and was to be filled to overflowing with the universal knowledge of the

Almighty in a more than golden age of light, and love, and joy,

Luce intellettuale, pieno d' amore,
Amor di vero ben, pien di letizia ;
Letizia, che trascende ogni dolzore.*

The universality of this dispensation was its glory. Its message of mercy was to every child of Adam. Rob it of that characteristic, and you rob it of its crown, and St. Paul of his triumphant assertion. It becomes, with reference to the extent of its application, but as another form of Judaism. What matters it, in respect of universality, whether you take the whole of one nation, or an individual here and there from every nation ? There is a limit, a limit of principle, in either case alike, and upon such a supposition, one fixed by the will of the Author of the dispensation, not merely by the stubborn intractability of its recipients.

32. But in the case of the Christian scheme, the limit is imposed, as Scripture informs us, only by the obstinate aversion of the human will from God, which induces it rather to choose misery and destruction, by blinding it in such manner, that it is incapable of sober choice, and yet that it also remains persuaded of its power of sight. The difference, therefore, is this : now the mercies of the covenant are made ready for every one, are offered to and enjoined upon every one ; “Go ye into all the world, and preach the gospel to

* Dante, Paradiso, c. xxx. v. 40. Conf. St. Augustine, De Civ. Dei, viii. 6.

every creature." Then the vast majority of mankind were left under the darkened natural law, and a covenanted salvation was not placed within their reach. Let us then keep steadily in view this universality, or universal applicability of the Christian dispensation, as opposed to the limited applicability of the Jewish.

33. I proceed to sum up a few of the principal propositions which most pointedly illustrate the position, that the nationality of religion is conducive to the realisation of this intended universality, and, consequently, that the renunciation of the first is unfavourable to the attainment of the second. We may remark, then, that by the nearly universal consent of civilised nations, the care of religion has ever been a principal or the principal function of the Supreme Power, (as we find that even in Sparta, where the prerogatives of the kings were reduced within the narrowest limits, they yet retained τὰ πρὸς τοὺς θεοὺς.) That the connection of the State with the Church under Constantine appears to have been formed, not as the result of ecclesiastical or civil ambition, but after the order (so to speak) of nature and by following the course of events. That the territorial division of a country is apparently the best method of providing for the universal extension, whether of civil or religious institutions. That the permanent administration of the ordinances of the Church requires permanent pecuniary supplies. That large masses of the people have ever been in a condition of inability to provide such supplies for ministers of religion. That in the present condition of the old

countries of the world, with their population pressing on their actual means of subsistence, and the supply of labour exceeding the demand, such inability is likely both long and extensively to continue. That the ties of affection which bind different classes of the community are not strengthened, but the reverse, by the great increase of trade and manufacture throughout civilised nations, and the gathering of men into masses, by means of large towns: that, consequently, we must not expect (to say the least) that the rich, as such, will hereafter be much more forward than they have been heretofore, to supply the religious wants of the poor. That besides the unable, we have another large class of persons, unwilling to provide for themselves a power of admonition and control in the shape of religious institutions. That the mere private support of religion tends to promote differences in its form, and that it is a duty to check those differences by reasonable means, and to promote its unity. That, with a greater plenty of the means of subsistence and general property than has been known elsewhere in modern times, the case of the United States of America shows that the voluntary zeal of individuals will make no adequate provision for the wants of an entire nation.

34. Many of these propositions are undisputed, and the rest are such as no friend to the union of Church and State, under the most naked form, will question. And we must observe, that the tendency of every one

of them is towards the same mournful demonstration, —that when nations in their collective capacity have abandoned the promotion of religion, the natural effect of that abandonment will be, that while it has been difficult theretofore to place the sacred ordinances within the reach of every man throughout human societies, it will thereafter be found absolutely impossible. In the early poverty of the European kingdoms it was done. It is not done in the far wealthier youth of that vast republic, where what is termed the voluntary principle bears undisputed sway. What, then, do we see as the first mark of this threatened, but, thank God, not yet inevitable change, but a retrogradation from the characteristic purpose of Divine love in the new dispensation, the design, namely, to give an universal reality to the free tenders of the Gospel : a retrogradation, which shall remove great masses of men by one broad stage further from the hope of everlasting salvation ; which shall re-transform the garden and the vineyard into the forest and the desert, and shall again seem to raise a wall of partition, upon even the Christianised portion of the earth, more lasting than that which was broken down in the Redeemer, between the mixed visible Church on the one hand, and the crowd of utter aliens from the commonwealth of Israel and the hope of everlasting life on the other ?

35. That the effect of this blow to the Catholic Church from without would not be the suppression of

her internal life, we absolutely know from the Divine word. That when thus again thrown into a state of independence upon the principalities of this world, she might in such manner have recourse to her own inward elasticity as again to put forth her powers of conversion more effectively than ever, and to re-occupy her position in the councils of earthly sovereigns, both chastened and strengthened by trial: all this may or may not be; but when our human vision seems to discern results from any given act which are destructive, it becomes an imperative duty to use every means for averting those results, quite independently of the inquiry, how it might please God to overrule the sin of man for His own glory, as He has already overruled the transgression of our first father, Adam.

36. But, besides the abandonment of that path in which it has appeared most competent to the Church to conduct systematically her aggressions against the entire masses of unrenewed nature in its social aggregations, we may perceive in this change an apparent preparation for the consummation of the human apostacy. What was the essence of that apostacy? It was disobedience. It was the rejection of the first standard of action, and the substitution of a new one. The first and appointed one was the Divine will, in whose observance would have been maintained the unity and harmony of God's creation. The new and forbidden one was simply the will of man. Not merely the positively and palpably evil results into

which that will unfolds itself, but the principle itself was forbidden, as an insufficient, an unnatural, a false law of action. Lord Bacon says,* “Man made a total defection from God, presuming to imagine, that the commandments and prohibitions of God were not the rules of good and evil, but that good and evil had their own principles and beginnings, and lusted after the knowledge of those imagined beginnings; to the end, to depend no more upon God’s will revealed, but upon himself, and his own light, as a god.” And similarly St. Augustine† has shown, that disobedience was the great feature of Adam’s sin, not a plain intrinsic evil in the act, independent of the prohibition.

37. The question was thus brought simply and nakedly to issue, whether God or man should be supreme in giving law to the free will of the latter. Now this disobedience was simply the divesting human agency of its proper and natural reference to the Creator. How fearfully does this definition coincide with the general idea of the separation of religion from government! An agency,—a personal and responsible agency,—an agency in power, majesty, and stability, the highest of all that belong to earth—in ethical tone and in influence on the affections surpassed by the domestic principle alone,—an agency capable of lending the most efficient aid to religion—this it is which it is proposed, in the phraseology of modern

* In his Confession of Faith.

† De Peccatorum Meritis et Remissione, b. ii. ch. xxi.

liberalism, to divest of all regard to religious differences, that is to say, to the differences between the Catholic faith and heresies; between revelation and deism; between the affirmation and the denial of the sovereignty of God; and whose sphere of action, in order to the attainment of this end, must necessarily exclude all functions which assert or imply the superiority of truth in religion to error, or the relevancy of any man's religious creed to his performance of civil duties and therefore to his principles of moral conduct. To call this social atheism is no hot or rash exaggeration, but an inference from the foregoing premisses, in logical sequence, not less inevitable than melancholy.

38. Yet it is a phrase of harsh words. We dream of atheism as a passionate thing, like that which filled the aching and turbid void in the mind of Shelley; or a hard and stony thing, as it showed in Voltaire; or a gross and sensual thing, as it glared in Mirabeau. But atheism is not necessarily dogma: it is not of necessity broadly demarcated from the common practice: its seeds and initial forms are in the common breast. Whenever we turn our face from God, whenever we cease to recognise the actual and living relations between Him and ourselves, we are standing within the verge and acting under the spirit of atheism. We need not undergo the intellectual labour of an effort to disbelieve. We may paint like Lucretius, in his too beautiful language, and that in conformity with the practice of his pre-eminently atheistic sect, the exist-

ence of the Deity, remote as the poles, barren as the wastes of ocean.

Omnis enim per se Divôm natura necesse est
Immortali ævo summâ cum pace fruatur
Semota à nostris rebus, sejunctaque longè.*

We need not be at the pains to deny that there is a God, we need not even refuse Him the worship of the lips: we shall fulfil all the practical conditions of the godless creed if we will but exclude Him from intervention in the concerns of life, if we will but avoid referring the facts of this world to His moving power: avoid this, and it is well; but do this, and then

Nec delubra deûm placido cum pectore adibis,
Nec, de corpore quæ sancto simulacra feruntur,
In mentes hominum divinæ nuntia formæ,
Conspicere hæc animi tranquillâ pace valebis.†

39. Thus would mankind, if they should fall into the snare that is laid for them, set up a vast, unconsecrated, atheistic power at the head of all their social interests, as an example for all individuals to follow, a model to teach them, an authoritative declaration to assist the evil voice within in teaching them, that they may withdraw their own individual lives from allegiance to God, and base their methods of social conduct upon a code in which His name is not to be found. In combating the obstinate irreligion of the world, it is something that the authentic permanent convictions of men are declared, beyond dispute, to be on the side of what is good, by the legalised existence

* *Lucr. de Rerum Nat.* i. 57.

† *Ibid.*, vi. 74.

and support of the fixed institutions of religion : but the conclusion towards which we are now led and driven, threatened and cajoled, will reverse the whole of this beneficial influence, and will throw its weight into the opposite direction, to co-operate with the scoffer, the profligate, the unbelieving, the indifferent ; when it shall be told, amidst the exultations of some and the tears of others, that there was a time when the power of thrones and the paternal functions of government bore witness to the faith of Christ, and that the witness is now withdrawn, and thus the truth emphatically denied. The common life, intended to be an instrument of repressing evil, and of cherishing and husbanding good in us, is like every other such instrument, in this particular ; that if used amiss it becomes not simply unproductive with reference to the purposes for which God designed it, but actually and powerfully conducive to opposite ends : it becomes a savour of death unto death, if we will not have it a savour of life unto life : it organises the selfishness it was intended to counteract, extinguishes the sense of shame it was meant to reinforce, and, by its influences upon our habits, assists to hide the God for whose reentrance as a king into our hearts it should have prepared the way. Like everything else on earth, it did but a part, but a small part, of that which it ought to have done. Shall we, then, forego the partial good in order to attain uniformity of evil, and make the necessary imperfection of our duties the base excuse for their abandonment ? No : let us not

erect our human frailties, our backslidings from our law, into a new and false law. Let us not enthrone pernicious delusions in the shrine where hitherto the lamp of Truth has always, though not always with equal lustre, burned. If the light that is in us be darkness, how great is that darkness! As the light of the body is the eye, even so the State was the mind and the eye to the body politic, and that eye we are required to divest of its discerning power. If we deliberately avow the principle of acting without God, how much more shall we act without Him and against Him than when we had not yet placed the lie upon our lips, and how shall we render approximation to a practice more consistent with our present professions a thing hopeless and impossible!

40. But further. This divorce of religion from government will proceed upon the principle that men of all religions, or none, are alike to be considered competent for the duties of citizenship. If, however, a man is competent for public, is he not also competent for private duties? If without religion we can learn and discharge our duties to our country and our laws and authorities, can we not also without religion learn our duties to our parents, brethren, families, friends, where we are aided by natural instincts, and where the return, in the shape of enjoyment, is more certain, immediate, and abundant, as well as the corresponding penalty of failure to perform them? We learn, then, that the argument, which is good to prove that religious differences have no bearing upon the

discharge of political duties, is equally good to prove that they have no bearing on private life, and, consequently, asserts the possibility and propriety of both a social and a moral system founded on atheism, in its real and substantial sense of the denial of a providential government of the world. Is not this assertion, conveyed through the most authentic organs which are at human command, an issue awful to contemplate? Let him who is tempted to acquiesce in the doctrine which thus disconnects belief and conduct, remember the precept of St. Paul, "*Speak every man truth with his neighbour, for we are members one of another.*" He could scarcely think that relative duties were independent of religious creed, who thus expressly grounded them on the high Christian doctrine of union in the body of the Redeemer; and who always argues for a holy practice, not from the cold abstractions of speculative morality, but from the intrinsic and the single motive of the spiritual life which has been given us in our baptism.

41. Let us beware, in this part of the subject, of being seduced from the truth, by observing in the midst of society certain persons, it may be, who do not believe the Catholic faith, or who disavow the name of Christianity, perhaps even any of the forms of Theism, and yet whose discharge of public and domestic duties is equal or superior to that of the average of persons who are members of the Church. Nothing can be more false than a supposition that their present conduct is a measure of the natural effects of their

creed. To estimate those effects aright, and to compare them with the moral working of the Church, we must take the mass of the professors in each. But, further, we must consider whether these be educated persons, aware of the value of good opinion and of the enjoyments of society, and of the consequent necessity of keeping on good terms with society by conforming to many of its approved practices. And yet again, we must consider how all individuals are naturally affected by an extensive system into the midst of which they are cast, which surrounds them like an atmosphere, and from which they cannot help inhaling and assimilating some, at least, of its properties. And we must not infer that, because society can bear a few of any class or character in its composition, it could therefore bear to be composed of such throughout. The law can dispense with the oaths of Quakers and other small communities while they are small; but would the general administration of justice remain secure, if the whole nation were to pass into Quakerism? But the character of the system, in each case respectively, is to be tried by considering what results it must produce if it were dominant and universal. From certain truths, stolen out of Christianity, has been compiled a structure, under the name of natural religion, which Nature did not discover, but which, now that they have been established for her, she can sometimes receive and appreciate. So it was that the heathen writers of the Roman empire reached a higher tone of morals than their predecessors, from

the insensible but real diffusion of the balmy influences of Christianity. And just so it is that there are now some individuals whose characters are beneficially modified by the Gospel, but who yield it not their acknowledgments, and cite its benefits against itself, denying the channel through which they came.

Again: We must not imagine that the present condition of the United States can afford a conclusive test of the effects which are to be generally anticipated from the absence of public religion. In the great society of nations, the customary rule will very much modify the temper even of those who depart from it. Perhaps the greater portion of the real change will be suspended until such departure has become so common as itself to become, or tend to become, the rule. If the day shall ever come when North America, still adhering to her present maxims and policy, shall lead the world; when in religion, in art, in science, in morals, in manners, she shall give the tone to Europe instead of receiving it from Europe; when the old civilisation shall have fallen into decrepitude, and shall at a distance and feebly tread in the guiding footprints of the young one; that day, and none earlier, will make full proof of the results of the divorce of religion from the State.

42. But some may be inclined to say, public opinion will not endure these excesses and extremes. Doubtless in its present state it would not do so. Public opinion is generally above common practice, but seldom very greatly above it, and in the long run sure

to be sympathetically affected by it, and deteriorated by its deterioration. The prevailing opinion of the nation now exercises a beneficial influence. The individual is affected by it. The sectarian body is affected by it, and is thus unconsciously but powerfully modified by the very institution from which it has departed, and which commands, in a great degree, the formation of public opinion. But let no man conceive that, amid the general fluxion of human affairs, public opinion is stable and unmoved. It is a cause; but it is also an effect. America is influenced by the public opinion of Europe; but when the religious institutions of Europe are assimilated to those of America, the waters will have found their level, and the current must cease. Where religious ministrations are crippled and contracted, individual character will suffer in a proportionate degree, and the materials for forming a sound public opinion will no longer exist, but will be replaced by others, representing a different set of principles and sympathies.

43. In the separation, then, of religion from government, we see a change which seems to indicate the progressive ripening of those harvests which are in preparation, the one for the love, and the other for the vengeance, of the Lord. Firstly, because it asserts practical atheism, that is a great and moral human agency, knowingly, deliberately, and permanently divested of regard to God. Secondly, because it asserts that atheism in the most authentic form, namely, by casting out its antagonist, religion, from what are

most permanent and most authoritative among men, their public polities. Thirdly, because the assertion is made not by individuals alone, but by masses, invested with political power, and, under the most wretched infatuation, claiming it as a right of freedom thus to banish themselves from the Divine protection and regard.

44. Surely it must touch the heart, when, after having looked upon these awful prospects, which appear palpably to lie at least before some nations of the world, we turn to the blessed Scriptures and observe the strong yearnings of affection wherewith the world's great King wrought for our deliverance, and the exultation with which His prophets and His saints foretold a friendship between earthly thrones and His spiritual body, and a consecration of earthly powers to His glory, which has appeared already, so far as to identify the description, but of which it seems as though the obstinacy of human madness would yet struggle to intercept the glorious fulfilment,—“ He shall have dominion also from sea to sea, and from the river unto the ends of the earth. The kings of Tarshish and of the isles shall bring presents: the kings of Sheba and Seba shall offer gifts. Yea, all kings shall fall down before Him: all nations shall serve him. His name shall endure for ever: His name shall be continued as long as the sun; and men shall be blessed in Him; all nations shall call Him blessed.”* “ And kings shall be thy nursing fathers, and their

* Ps. lxxii. 8, 10, 11, 17.

queens thy nursing mothers : they shall bow down to thee with their face towards the earth, and lick up the dust of thy feet.” * “ And the nations of them which are saved shall walk in the light of it ; and the kings of the earth do bring their glory and honour into it.” †

45. Thus far I have spoken concerning general results, without attempting to determine the amount of probability that they may actually arrive. By attempting to uncover the consequences—by laying bare, to the best of our power, the whole of our danger—we are using the means most likely, under God, to avert the catastrophe itself. In different parts of the world the case very greatly varies. While we have our own peculiar hazards, there are other countries much farther advanced in the separation of religion from government. In America it may be less surprising, where the State rests on the dogma of equality, that no creed should be preferred. It is invidious to allude to results ; but neither the good neighbourhood of the United States to those whom they touch on their several frontiers ; nor the existence and extension of slavery ; nor the state of law and opinion respecting it ; nor the sentiment entertained in the north towards the black and coloured race ; nor the general tone of opinion on religious subjects in society ; nor the state and extent of religious institutions, under circumstances of great facility ; induce us to regret that England does not follow the ecclesiastical principles

* Is. xlix. 23.

† Rev. xxi. 24.

of the western continent. Neither is it, on the other hand, more astonishing that, under the peculiar circumstances of the formation of the monarchy of Prussia, the State should have granted its pecuniary and moral aid, without apparent distinction, to different and hostile communions; while the fact remains. But it is exceedingly remarkable that in France, where the almost incalculable majority are of one communion, and that communion Roman Catholic, the principle of national religion has been essentially surrendered, and the State joins hands with all creeds alike—a marked and memorable result of her first Revolution.

46. In England we have not proceeded so far. We seem still to have ground which is defensible, and which is worth defending; we are cursed with religious divisions; we have grievously sinned in ecclesiastical abuses; the Church is greatly crippled by the State in respect of her government; she is denied the means of ministering to the people where they most need it; yet with all this, and with political institutions in reality very much more popular than those of France, to say nothing of Prussia, our country seems to promise at least a more organised, tenacious, and determined resistance to the efforts against national religion, as well as to the general principles of democracy, than any other country which is prominent upon the great stage of the civilised world.

47. In this comparison, however, I count not on the future and its mysterious contents; at least I venture no further than this, that some rays of light, issuing

from an imperishable centre of light, appear to streak the gloom; that we have among us, developed in some degree of power, the spirit of guardianship with improvement, the energy which struggles indeed for continual approximation to ideal perfection, but struggles under the condition of holding for its basis that "whereunto we have already attained;" and resists, as the worst and most hopeless and improvident of all possible alternatives, the rooting up of the foundations that exist; we have among us that life of faith which, organised in the visible incorporation of the Church, is able to operate with strength as a constituting and regenerating influence upon human society. Whether these principles of national and of Christian life shall be victorious or worsted in the commencing conflict, who can tell? The individual man should, in contemplating the prospect, desire neither to presume upon the general issue nor to despond, but "in patience possessing his soul," to acquit his own share at least of obligation in the strife. I calculate little then on what is to come: if on the one hand there is more strength in the constitution, on the other the disease may be yet fiercer and the catastrophe more awful. Let these balance one another. But for the past—in the feeble and partial effort to test mighty events by their results—I see anything in the lessons of our history rather than cause to lament our Reformation of religion, as compared with the alternative of continuance in the unreformed condition of France.

48. True it is, that it may seem to stand in appa-

rent connection with spurious and counterfeit principles ; but, upon the whole, far indeed from deploring the event, we, of all ranks, with our Bibles in our hands, may yet render thanks for it to God, and still declare it the blessed Reformation ; because in England, under greater, far greater difficulties and temptations, more of evil has been warded off, more of good been realised ; because the Church has less utterly fallen short in its arduous task of so educating and spiritualising the people as to inure them to discipline, blend them in a common life, and consecrate them to the glory and to the work of God ; since at least for one more half century, for well nigh two generations of mortal men, has the national life, whether social or religious, in some sort survived its trials and afflictions ; its frame-work, tempest tossed, is yet an unshattered refuge and abiding place ; and its informing spirit has not yet dizzily reeled into the pit of destruction and inanition.

49. The symptoms around us are at once ominous and cheering. On the one hand is increasingly perceptible a disposition to defend the institutions of the country in Church and State, a disposition pervading all ranks, and combined with an earnest desire to purify the operation of a principle in itself so pure ; and to investigate it in all its parts and bearings, that, knowing it more clearly, we may contemplate it more fixedly, defend it more promptly, love it more enthusiastically. Upon the other, a great development of the extremes of the opposite opinion ; and with this, which

was to be expected, a lukewarmness, or a timidity, on the part of some in high office deeply pledged to our institutions, or even an adoption of notions involving the *seminal* principle of their entire overthrow and abandonment, and preparing us to fear that should the Church become, in a secular view, less popular and strong, and should men be called upon to suffer for her sake, we may expect to see these notions carried out by those who dally with them, or by their successors, to their extreme results.

50. We should, however, hide nothing from ourselves; and we do no justice to the case if we fail to observe, that there are a variety of civil influences at work, all operating upon religious unity, and operating in a manner unfavourable to the principle of authority, and therefore also in a manner unfavourable to unity, until the average character of man has been both greatly raised and essentially altered. The diminution of the range of intellectual inequality, by the elevation of the lower ranks of mind, and the reduction of the higher, naturally and legitimately lessens the general force of authority. Lord Bacon foresaw, in the “*Novum Organon*,” that the tendency of his system was to equalise minds. He felt none of that result: he was not one of its examples. Now the world abounds in them.

51. The passing away of influence from definite station and privilege to the mere possession of property, and the increased facility of its acquisition, or at least its increased diffusion, have rendered it of late infi-

nitely more difficult than formerly to attain the end of security to an Established Church by the exclusion of dissidents from civil office; because political influence attends very considerably upon property, and will, therefore, be felt in the legislature even when the holder of property is excluded. Thus it was argued (and I do not say unfairly) in the case of the Roman Catholics, to this effect, that they had increasing numbers, intelligence, and wealth: that these were the elements of power, and that political privilege was but one among its accidental attributes; why, therefore, it was urged, irritate without attaining the desired object of enfeebling?

52. Again, the growth of the opinion that political privilege is in itself valuable, and among the natural rights of man, of course renders it infinitely more invidious to withhold that privilege, than when it was viewed as matter even of actual burden, or as attainable only or mainly by inheritance, or in a conscientious view, as a possession of which the responsibilities greatly outweigh the enjoyments. Men must have a positive value for the Church before they can be expected to forego on her account, without dissatisfaction, that for which they have a positive value; and this we can hardly expect of the general mass of Dissenters in their state of information and of feeling. All these are among the purely civil causes, which, notwithstanding, have an obvious bearing upon the religious question now before us.

53. The moral movement, however, of the day,

away from religion and towards infidelity, is not merely traceable in the increased growth of that fallacious opinion which excludes the subject of religion from the consideration and preference of governors in the exercise of their office ; there are also a set of correlative and parallel symptoms, which greatly fortify the conclusions already drawn from such portions of political action as directly bear upon the connection between the Church and the State. Not contented with excluding religion from the province of government, the spirit of the age struggles with not less zeal to introduce, as its substitute, education ; that is to say, the cultivation of the intellect of the natural man instead of the heart and affections of the spiritual man—the abiding in the life of Adam, instead of passing into the life of Christ.

54. Not that in contending for religion as the proper moral engine of governors, it is meant to say that they are not to cultivate the intellect. On the contrary, under the shade of genuine and effective religion, the intellectual harvest will be largest and most secure. But that which we should mark is, by what subtle gradations popular opinion is deviating further and further from the truth in the highest of all matters which belong to political societies. The old notion was that religion was their salt, and in a prudential view their only effective guarantee, as well as a duty of imperative obligation flowing out of the personality of nations, and out of the individual composition of governments. But the modern notion is, first, that the governor is

not competent to exercise a preference in religion for the nation or any part of it; and, next, that a matter in which he is not competent to discriminate, manifestly cannot be in any way *essential* to the well-being of societies, or he who is concerned for them must according to his opportunities be concerned for it.

55. After this, it is felt that these conclusions, taken alone, extinguish at once and for ever the light of the world. Accordingly, by way of vindicating our immaterial existence, an intellectual illumination is proposed. In truth it is felt how intolerable would be the tyranny if there were a general predominance of the lower parts of man's nature: if we descended at once from the elevating doctrine which, in the words of Mr. Burke, consecrates the commonwealth, and all that officiate in it, to the mere sensualism into which political economy, were all its claims allowed, would issue. A substitute, therefore, in some form, for religious truth we must have; and they who deprive us of the national acknowledgment and worship of God, offer us at least a molten calf. To prevent evil, we hear it said, cultivate and strengthen the higher faculties of man. Now Christianity is the one appointed means of doing this. To attempt doing it without Christianity, is repeating the sin of Adam, who sought a knowledge of things in grounds other than the will of God; but with this aggravation, that it is done after the melancholy experiences of six thousand years have shown, and that by the favourite test of utili-

tarianism, namely, the consequences which that long period has accumulated; how ruinous was its nature.

56. They of old time thought that there was no injustice in taxing men for the truth, because it was beyond doubt the most precious of all objects in itself and the most salutary to the soul and nature of man, and was, through Divine mercy, in degree at least attainable. But now this is deemed arbitrary and insufferable; yet there is an object so clear and so beneficial that men must be taxed for it whether they choose to avail themselves of its benefits or not—that is, the cultivation of the understanding. But why has not the subject a right to say, I deny the advantages which you say will result from that cultivation, if it be without religion, and I contend, on the contrary, that it will be productive of detriment? If he be an intelligent Christian, he will say so. And if in saying so he be overborne, the fact will only prove, that human opinion is approximating to that state in which it seeks its chief good, and attempts to found its permanent welfare both public and private, not in revelation, but in the principles of Deism.

57. The advocates of this theory often deprecate, in words, a mere naked intellectualism. They talk much of moral culture, and assume that it can be sufficiently and generally had without religion. Or, perhaps, they are shocked at the idea of surrendering religion, and they profess that religion consists in certain habits of mind, entirely apart from dogma; that while they

exclude dogma, which they stigmatise as the cause (at most and in any case it is but the sign and the instrument) of dissension, they would carefully include religion. But all these forms of profession come to the same thing. Once cast off allegiance to the revealed truth of God—once assume the function of dispensing with such portions of it as carnal wit here or there does not appreciate: once reject the means which God in His mercy has provided by revelation—and the attempt to attain the end will inevitably fail. Do we flatter ourselves that, if we deem His methods impracticable, we shall succeed in our own? All these modes of teaching will resolve themselves into the mere culture of the understanding. We do injustice by terming it intellectualism. The higher faculties must wither, and that soon, beneath its influence wherever it is introduced and prevails.

58. But the point upon which we have to fix our attention is this. There is a strong disposition to overthrow the principle of an Established Church, and therein ultimately to deny that religion is the great sanction of civil society. There is a contemporaneous disposition among us, entertained almost exclusively by the very same persons, to substitute an universal education or general culture at the expense of the State for the universal spiritual culture by the Church. The former is to be the substitute for the latter. It is intended fundamentally to change the structure of society; and the one thing

needful* for its well-being is to be this general culture. The mark of tyranny is upon it even while the theory is young : it ought, according to its more sanguine supporters, to be compulsory. This, I suppose, is thought the only way in which the energies of the Church can be effectually quelled. But what insanity is this labouring at a moral Babel which will not only confound but crush and grind into the very dust its framers ! It is a more fatal repetition of an old experiment, to the failure of which there is not one of us who is not too able, if he be but willing, to bear witness.

59. Perhaps, however, we are desired to find consolation in the fact, that there is a greatly increased diffusion of knowledge among mankind. Of sanctified knowledge, that is of knowledge subordinated to the great purpose of serving God ? If so, it is well. All knowledge will then harmonise with the general character, and, increasing its power, will increase its usefulness. But if there be no corresponding extension of the spiritual life, this increase of power will not only not be advantageous, but will be detrimental, in the very proportion in which it would and ought to have

* I quote from the sixth edition of a pamphlet (October, 1839) published not long ago, and apparently by authority, on the subject of the recent measures with respect to Education, the following passage :—
“ Now the sole effectual means of preventing the tremendous evils with which the anarchical spirit of the manufacturing population threatens the country, is by giving the working people a good secular education, to enable them to understand the true causes which determine their physical condition, and regulate the distribution of wealth among the several classes of society.”

been advantageous ; for it will destroy the equilibrium of the human being, and increase his wants, his desires, his self-opinion, without strengthening in a commensurate degree the sovereign principle which renews his nature. Without that sovereign principle, too, the presumption or supposition of knowledge will increase much more rapidly than knowledge itself, and the effect of such increase will be to leave men much less adapted to the discharge of their duties than they were before. Much might be said on the particular kinds of this knowledge. It is that which tends too much to fix the eyes on the earth, instead of raising them to heaven to look for angels' bread.*

60. Will it be said, " All this anxiety is very much disproportioned to the case, if you are sincere in your belief, that there is safety within the Church as in an ark which shall float on the waters when the fountains of the great deep of human Desire are broken up ?" It is true that we have nothing to fear for her, who bears a charmed life that no weapon reaches. She pursues her tranquil way of confession, adoration, thanksgiving, intercession, and Divine communion, concentrated alike for the present and the future, upon one object of regard, her Lord in heaven. This of the Church of Christ. And in the Church of England we find all the essential features unimpaired, which declare her to be a fruit-bearing tree in the vineyard of God. The Scriptures faithfully guarded, liberally dispensed, universally possessed and read ;

* Paradiso, c. ii. 9.

the ancient bulwarks of the faith, the creeds, and the sound doctrine of Catholic consent, maintained; the apostolical succession transmitting, with demonstration of the Spirit, those vital gifts which effectuate and assure the covenant; the pure worship; the known and acknowledged fertility in that sacred learning which, when faithfully used, is to the truth what the Israelitish arms were to the ark; and the everywhere reviving and extending zeal, courage, love: these are the signs which may well quiet apprehensions for the ultimate fate of the Church of England in the breast of the most timid of her sons.

61. But we need not be ashamed, with all this, to feel deeply and anxiously for our country. For that State, which, deriving its best energies from religion, has adorned the page of history, has extended its renown and its dominion in every quarter of the globe, has harmonised with a noble form of national character supporting and supported by it, has sheltered the thickset plants of genius and learning, and has in these last days rallied by gigantic efforts the energies of Christendom against the powers and principles of national infidelity, bating no jot of heart nor hope under repeated failures, but every time renewing its determination and redoubling its exertions, until the object was triumphantly attained. For this State we may feel, and we may tremble at the very thought of the degradation she and we in her shall undergo, should she in an evil hour repudiate her ancient strength, the principle of a national religion. She may

cast to the winds the treasure realised for her by heroes, by patriots, by sages, and by saints ; by our heroes upon the field of blood, by our patriots in public cares, by our sages in the toil of patient thought, by our saints in the longings of devout aspiration ; but it will be with foul dishonour to their memories, and with bitterness and ruin joined to shame for herself.

62. I do not dream that the pupils of the opposite school will gain their end, and succeed in giving a permanent and secure organisation to human society upon the shattered and ill-restored foundations which human selfishness can supply. Sooner might they pluck the sun off his throne in heaven, and the moon from her silver chariot. What associated and civilised man can do without God, was fully tried, upon a large scale both of place and time, in the histories of Greece and Italy, before the fulness of time was come. We have there seen a largeness and vigour of human nature such as does not appear, after a trial of two thousand years, likely to be surpassed. But it does not comfort us that those opposed to national religion are likely to fail in the substitutions they would make. They are our fellow-creatures ; they are our brethren ; they bear with us the sacred name of the Redeemer, and we are washed for the most part in the same laver of regeneration. Can we unmoved see them rushing to ruin, and dragging others with them less wilful, but as blind ? Can we see the gorgeous buildings of such an earthly Jerusalem, and the doom impending, without tears ? Oh, that while there is yet time, casting

away every frivolous and narrow prepossession, grasping firmly and ardently at the principles of the truth of God, and striving to realise them in ourselves and in one another, we may at length know the things which belong to our peace !

63. I am aware of the weight of that responsibility under which I offer this treatise, through the press, to those who feel, and to those who ought to feel, an interest in its theme. Not, indeed, that its object is what it has by some been represented or supposed to be. It is so much the method of this period and country, to act for the purposes of party by popular appeals, and to avoid all paths of thought which do not promise an immediate result, that men are incredulous of those who hold, that there is a true political science, and that this ought to be the basis of the art of politics. But my object is to act on minds, and not on laws. Does any man suppose that if *per saltum* the Church discipline of the third century could be revived, and its clear and keen principles of unity applied to the composition of the State, that we should be profited ? The tone of a nation's thoughts and principles cannot be restored, nor long sustained, by legal enactments. A moral evil cannot be cured by a mechanical remedy. Changes of law, even for the better, require and pre-suppose, in order to be beneficial, a degree at least of moral assimilation, a desire for the thing to be enacted as a basis for the enactment, rested on which it may itself react upon and confirm the desire. But those who conceal surrepti-

tious projects, those who wish to take their fellow-men unawares, usually select some other course than that of an investigation which is tedious, at least, if not ample, and laboured if not elaborate. I ardently desire the full and effective action of the State for the promotion of religion ; and yet more ardently, that general and free coincidence of my fellow-citizens in the principles of Catholic unity, through which alone, as I believe, the former object is attainable. Many will, I know, with scorn pronounce this to be an impossible condition of a visionary good : without being extremely sanguine, I have more confidence than they in even the earthly destinies of truth.

64. But yet it is bold, if not presumptuous, for one dedicating to meditation only the scanty remnants of time left unoccupied by business, to venture upon handling one of the most intricate of social problems ; and the more so, inasmuch as I freely confess that I do not pretend to bring in my hand any process of solution, which shall have the precision and rigour of a formula, together with the elasticity which is required to adapt it to the actual and possible variations of circumstances. And though for nearly nine years past the subject, in its practical and its speculative forms, in all the impressive lessons with which the period has abounded, has been continually in my view, and has tasked my mind to the uttermost, I am well aware that this is matter of small concern, and does not provide me with a passport to confidence. This, then, is my vindication. In practice, I have seen many zea-

lously, and some wisely, defending truth, some discrediting it with adventitious incumbrances, some resolute in opposing it, some seeking it with earnestness, some merely drifting with the tide of circumstance, some wavering between a multitude of opinions; most, perhaps, acting blindfold, and speaking at random, in a matter beyond all others demanding the adoption of definite principles. It is not indeed always necessary or wise to press the consideration of difficult problems in the philosophy of politics. Such a course may precipitate the crisis, for which it is designed only to prepare. There is, however, a danger on the other hand. If no attention is to be given to the abstract truth of great questions in public affairs, when the occasion for putting them to issue either has actually arrived or is close at hand, it is clear that a generation accustomed only to matters of detail and to the rules of expediency, will be found ill-provided with the instruments necessary for adjusting controversies, which are undoubtedly of the greatest moment to human welfare.

65. Now the weakness of England has for some time lain in its inadequate appreciation of the speculative life. Our active habits have been overwrought, and have absorbed some portion of the energies due to contemplation. A critical period is upon us, and it seems to find us unprepared. Towards the elucidation and establishment of the truth, be it what and where it may, I bring my humble offering, and believe that its dross will be purged away, and that the small re-

sidue of ore will be made available through the deeper and truer thoughts of others. All who have touched this subject have illustrated some of its aspects: for example, Hooker, the national unity of life; Warburton, the distinction of sanctions; Paley, some of the exterior evils which a public religion obviates; Chalmers, the physical anatomy of a religious establishment; Coleridge, the moral analysis of a State. If I add nothing to the public stock of realised truths, I may provoke others to do it. It is a true respect to the interest which has been evinced in the subject of this work, that has led me to increase its bulk by thus much of personal apology.

66. Let the whole matter, then, be freely, earnestly, and carefully discussed, in the certainty that whatever may be the demerits of this particular attempt to probe it, yet it is both full of importance, and treated, relatively to its moment, with lamentable neglect; and further, that the time is now arrived, when with a view, if to no higher end, yet to dignity, nay, decency of conduct, it should be seriously and definitively considered. An answer should if possible be made ready, in the conscience of each man who is called to act in public trusts, to the question, whether it be or be not the manifest ordinance of Almighty God that governments should have active duties towards religion, Christian governments towards the Christian Church? As was said of old, If the Lord be God, serve Him, but if Baal, then serve him; so it should now be said to the English people, If there be no con-

science, no function of religious discernment, in well-ordered States, and if unity in the body be no law of the Church, let us freely abandon the ancient policy under which this land has consolidated her strength, and matured her happiness, and earned a fame yet wider than the dominions that are washed by every sea; but if the reverse of both these propositions be true, then let us decline to purchase moral debility and death wrapped in thin disguise and entitled peace; then in the sacred name of God, “to the utmost and to the latest of our power,” let us steadily abide by the noble tradition of our fathers, and be faithful to posterity, even as antiquity has been faithful towards us.

I close with the honest words of Plato; *ἀν οὖν τις ἄλλιον ἐκλεξάμενος εἰπεῖν εἰς τὴν τούτων ξύστασιν, ἐκεῖνος οὐκ ἐχθρὸς ὢν ἀλλὰ φίλος κρατεῖ.**

* Plato, *Timæus*, 28.

THE END.

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